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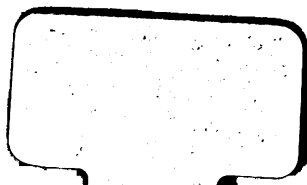
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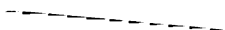
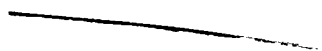
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FROM THE PUBLISHERS



ESSAYS

BY MEMBERS OF THE

BIRMINGHAM SPECULATIVE CLUB.

Essays

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BIRMINGHAM SPECULATIVE CLUB.



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THE present volume contains seven Essays, written by members of a small Club, which has met periodically during many years for the conversational discussion of social and philosophical topics. All the writers are engaged in the daily pursuit of their respective trades or professions.

The Essays were not seen by the Club generally, until they were published; and each author is responsible for his own essay alone.

Some delay has occurred in publication: the earlier part of the volume therefore, lies under the disadvantage of having been printed in the absence of information which has since presented itself.

CONTENTS.

ESSAY

- I.—Hold fast your Colonies, by WILLIAM LUCAS SARGANT. ✓
- II.—The Relation of Universities to Practical Life, by WILLIAM
MATEWS, jun. ✓
- III.—Some Thoughts on Pauperism, by ALFRED HILL. ✓
- IV.—The Natural History of Law, by GEORGE J. JOHNSON. ✓
- V.—The Future of Women, by CHARLES EDWARD MATEWS. ✓
- VI.—Euthanasia, by SAMUEL D. WILLIAMS, jun. ✓
- VII.—Method and Medicine, by BALTHAZAR W. FOSTER. ✓

HOLD FAST YOUR COLONIES.

I.

GREAT passions make great nations, said Carnot, the organizer of victory; and he might have established his apothegm, both by history and by his own experience.

The French of an earlier generation had been the terror of Europe: under Louis XIV they had dreamed of universal monarchy; they had ravaged the Palatinate; but for a voluntary and timely inundation they would have overrun Holland; they had defied Europe, and had fallen only before a continent in arms.

In the reaction that followed those great passions they had fallen into contempt: under the debauched Regent, under the effeminate and voluptuous Louis XV they had abdicated their throne among nations.

But under the good, stolid Louis XVI, the revolution once more stirred up great passions: among the lower classes, ardent desires for equality, and for revenge on an oppressive aristocracy; among the highest, irresistible dread, and a longing to put down by foreign strength the impudent attempts of the

canaille; among all classes that remained at home, terror and anger at threatened invasion, and burning resolutions to drive back the aggressors, and to carry through Europe, at whatever cost, war to the palace, peace to the cottage. The nation was again great.

Greater still the nation became after the XVIII Brumaire, when during fifteen frightful years, the maleficent genius of Napoleon rode upon the wave of these great passions and directed their storm. After this outburst followed another reaction, and Bourbon France lay humiliated, discontented, querulous, rebuked under the more constant genius of her old insular antagonist. France felt herself no longer great.

Great in this sense the English have no wish to be. With their orderly political convictions, they would think it shame to decree renunciation of foreign conquest, and as a commentary, to seize on Savoy and Avignon: they would hold themselves disgraced if they propagated by fire and sword, the limited government they love: they would not submit to the humiliation of seeing a British Charles XII playing the Don Quixote of real life, or a British Napoleon turning the soil of Europe into a military and bloodstained chessboard. The French boast themselves the leaders of civilization: according to my definition of the word, the English are ahead of them by a century.

But great in other senses, the English are and wish to be. They are right in desiring the greatness of heading the civilization of the world: of combining empire with good faith: of holding nations captive,

not by force but by services rendered; by Dooabs reclaimed, by railroads constructed, by peace maintained, by justice administered, by industry protected, by slavery and torture and Suttee and infanticide abolished, by government carried on for the benefit of the subject.

Long may it be too, before we forget our historical titles! There are indeed, thinkers, and sincere thinkers, who measuring their countrymen by an ideal standard, can see nothing but their shortcomings. These strange philosophers, blind followers of a foreign genius, who neglect the history of mankind, and are ignorant of practical affairs outside schools and colleges, are content to evolve their theories of national life out of their own thoughts. They smile contemptuously, and with no little fatuity, at those who devote themselves to the slow process of induction; and who painfully construct a standard from experience of the past: who nourish their minds with the recollection of our political liberty at a time when France was the willing slave of a despot; of our religious liberty when Spain was manacled and scourged by a fanatical priesthood; of our centuries of glory in literature and philosophy; in later years, of our peaceable developments in manufacturing skill, daily industry, and unequalled commerce; of our national tenderness and sympathy with the oppressed, not without result, since it carried to a successful issue a Crusade nobler than that of Peter the Hermit, a crusade against pirates and menstealers.

Centuries ago, our great passions made us a great

nation. Under Queen Elizabeth our sustained revolt against the Papacy, strengthened by horror of the Smithfield fires ; our well founded dread of the stealthy, unscrupulous, and daring Jesuits, ready to do whatever ill at whatever risk, if the Church's work might be promoted ; our half despairing resolve to go out and fight the Armada, and the joyful revulsion when the sling and the stone had beaten down the blaspheming giant : all these passions made us truly great.

Under the Stuarts, religious persecution, Laud and the Star-chamber, Strafford and his *thorough*, Claverhouse and Lauderdale, the sword and the thumbscrew, roughly nursed into passionate life the Puritan, the Covenanter, and the Cameronian ; and driving a handful of zealots across the Atlantic, laid the foundations of a mighty democracy. The sombre passions of that century multiplied tenfold the greatness of the English race.

Then came as our antagonist the magnificent Louis Quatorze ; the would-be universal monarch. His youthful, immeasurable schemes of conquest, backed by his subjects' lust for glory ; his violent encroachments on his peaceful neighbours ; the dazzling height to which he elevated his country ; exciting among us some fear and more jealousy, made us willing to head a resolute coalition against the public enemy. After a dozen years of struggle and of vast pecuniary sacrifice, the unfailing victories of Marlborough, aided by his diplomatic genius, raised our island to the highest pitch of greatness ; which showed the brighter by contrast

with the gloomy destitution into which France had fallen. Our great passions had done their work.

Again, at the close of the last century, the minds of Englishmen were stirred to their depths. It is interesting to watch, in a periodical of the time, the growth of angry feeling against France: to trace resentment stealing step by step over successive papers, just as on a listener's face a smile is followed by an earnest look, and this by an austere frown. Men of liberal sentiments had hailed the capture of the Bastille as the dawn of liberty. But the violences of the French mobs, left unchecked through the king's voluntary abdication of just authority; the anarchical condition of town and country: the wholesale massacres; the violent death of a king who had not like our Charles provoked his fate by hereditary statecraft; and of a queen whose beauty and grace were celebrated by the genius of Burke: all these gradually produced the pity and terror of the grandest tragedy.

When Napoleon, after the XVIII Brumaire, arrived at the head of affairs, the English had reached a state of mind fit for the greatest and blindest efforts; and during the next fifteen years they poured out blood and treasure, until the enemy of Europe was finally subdued. Our great passions had raised us to be the greatest of nations.

Since those days our national life has been comparatively tame. France has passed through two more revolutions without attaining tranquillity: continental Europe in 1848 trembled with political earthquakes:

Italy has half blended its discordant provinces into one great country: Germany has partly realized its aspirations after unity: Russia, depleted by the Crimean war, and now involved in the whirlpool of partially emancipated serfdom, has ceased to be the bugbear of Europe. But our career has been little disturbed: the continental alarms of 1848 only startled the timid with their echo; even the Crimean war failed to goad us into passionate feeling.

Is there no danger that so peaceful a course should interfere with our national greatness? should sap its foundations while we are content with tranquil progress in wellbeing? May we not tremble, seeing the prevalence of the "Manchester School," who would fain open our ports to the widest commerce, but as to politics, build around us Berkeley's wall of brass?

"O école de Manchester, tu peux bien nous donner du coton, du fer, et du pain; mais je te défie de nous donner des hommes."⁽¹⁾

May we not dread the predominance of the modern Epicurean school?

"Qui n'a rencontré, même de nos jours, un sage pratique, *épicurien sans le savoir*, modéré dans ses goûts, honnête sans grande ambition morale, se piquant de bien conduire sa vie? Il se propose de tenir en santé son corps, son esprit et son âme, ne goute que les plaisirs qui ne laissent pas les regrets, que les opinions qui n'agitent point, se garde de ses propres passions et esquivé celles d'autrui. S'il ne se laisse pas tenter par les fonctions et les honneurs, c'est de peur de convier un risque on d'être froissé dans une lutte. D'humeur libre, éclairé, plus ou moins ami de la science, il se contente de connoissances courantes. Sans trop s'inquiéter des problèmes métaphysiques, il a depuis longtemps placé Dieu si haut et si loin qu'il n'a rien à en espérer ni à en craindre. Quant à la vie future, il l'a, pour ainsi dire, effacée de son esprit et ne songe à la mort que pour s'y résigner un jour avec décence. Cependant il dispose

sa vie avec une prudence timide, se ramasse en soi, se limite, ne se répand au dehors que dans l'amitié, qui lui paraît sûre, où il jouit des sentiments qu'il inspire et des ceux qu'il éprouve. Son égoïsme qui est noble, et qui voudrait être délicieux, a compris que la bienveillance est la charme de la vie, qu'on en soit l'objet ou qu'on l'accorde aux autres." (2)

What would become of our national greatness, if such sentiments as these prevailed, nursed into life by peace and prosperity? what, if the following passage of the eminent scholar, M. Renan, described our own educated men?

"Le gouvernement des choses d'ici-bas appartient en fait à de tout autres forces qu'à la science et à la raison; le penseur ne se croit qu'un bien faible droit à la direction des affaires de sa planète, et, satisfait de la portion qui lui est échue, il accepte l'impuissance sans regret. Spectateur dans l'univers, il sait que le monde ne lui appartient que comme sujet d'étude, et lors même *qu'il pourrait le réformer*, peut-être le trouve-t-il si curieux tel qu'il est, *qu'il n'en aurait pas le courage*." (3)

Such sentiments might be endured in Epicurus; one of a nation whose liberty had been extinguished by Macedonian force: they are pardonable in Lucretius, who had himself seen the rivers of Roman blood shed by Marius and Sylla, and had himself trembled at Catiline's conspiracy: they might be treated with indulgence in a Frenchman under the First Empire, when absolute power and military glory had crushed political life. Uttered at the present day, even under the bewildering uncertainties of the Second Empire, they seem to me base and detestable, though issuing from the pen of a writer whose genius I admire; and if, as is falsely said by a commentator, they naturally follow from "every speculation which takes a character more or less scientific," the sooner such speculation is

banished from our land, the better will it be for us. I am glad however, to find that these are not the deliberate sentiments of M. Renan, but only a whim flippantly published. In a recent article, he has given us his deliberate opinions, and has protested against being led by philosophy into political indifference. ⁽⁴⁾ But the passage I have quoted, expresses no doubt, the opinions of many speculative minds. Is there a probability of the predominance of such epicurean sentiments in Great Britain?

No doubt, we are partly protected from the danger by the play of our free institutions. Since 1815, we have escaped revolutions; but we went very near to one in 1831, when with a little less political wisdom among our rulers, blood would have been shed. For fifty years there has been the Roman struggle over again; the struggle between people and patricians. As in Rome, so in Great Britain, the people have won the day; and as I anticipate, the victory will not be abused, in Great Britain any more than it was in Rome, but the democracy will submit to the natural limitations imposed by social traditions and by the pressure of a fully peopled country.

These blustering gales have saved us from stagnation and tranquil corruption. But the severity of the storm is past: there scarcely seems room for ardent political passions. Are we then to become the slaves of an indolent or speculative egotism? to the *dolce far niente* of an Epicurean, or to the contemptuous curiosity described by Renan?

I fear that many excellent persons, partisans of the Manchester school, will meet me here, by denying the necessity of national greatness. They will say that we have enough to do at home; that our attention would be much better directed to needed improvements in Great Britain; that we ought to apply all our strength to the promotion of education, the correction of vice, the purification of our towns, the raising our labourers' condition; that till we have done these things we have no right to go abroad for adventures or glory.

Now, if by concentrating all our energies on home reforms, we could hope to accomplish these at once, I should be a partisan of this narrow benevolence: but when we come to particulars, we find that undivided attention and the greatest sacrifices will no more succeed in suddenly improving our social condition, than equal attention and sacrifices will suddenly raise up a wood where there is only a coppice. The late Duke of Devonshire is said, with the help of Sir Joseph Paxton, to have removed a full grown tree, at an expense of many hundred pounds. He got a stunted tree: a small proprietor will get a far finer tree, at no expense, by patiently waiting. If we expended our wealth and our energies on impatient efforts after social perfection, we might approach the nullity of a Jesuit Paraguay, destined to perish; but we should have no free England, the vigorous offspring of storm and sunshine.

Peter the Great tried to force the advance of his

people: after nearly two centuries they are now only "pawing to get free" from that serfdom which England naturally escaped from many hundreds of years ago. Joseph II urged on artificially the political progress of his kingdoms, and was beaten by the prejudices he disregarded. There is no royal road either to knowledge, or to social excellence: time the great consoler, is also the great reformer.

If the reverse were but true, if the cost of a Crimean war applied at home, would rescue us once for all from vice and uncleanness; the nation would joyfully submit to the cost: what would be a hundred millions spent in such a cause? But we find that all our efforts accomplish so little, that many excellent but impatient persons cry out for arbitrary power to compel people to come in; overlooking the main condition of the problem, which is, to train people to help themselves.

I believe therefore, that if we were to abandon all our foreign possessions, and to resolutely determine that we would interfere in no European quarrel; not even if France were to forcibly appropriate Belgium, and Spain, Portugal; not even if Russia were to take possession of European Turkey, Greece, and Bohemia; not even if Prussia were to lay hold of all Scandinavia; I do not see how we could with all our concentrated energies, drive out vice and unhealthiness. The lesson we want taught is that of self-help: but this cannot be bought or enforced. All we can do is to remove unfavourable conditions, and in the case of children to

insist on school instruction, a small part of true education. Beyond this, you get into the Jesuit-Paraguay experiment, which may perhaps have made innocent people, but certainly did not make men.

I sincerely believe also, that in surrendering the greatness of our country, we should throw an obstacle in the way of training all classes: who seeing around them a national timidity and a disregard of the claims and sufferings of other nations, would fall into that epicurean apathy on which I have already remarked. Indolence and self-indulgence, are the vices of the prosperous: these would steal over us unresisted, when we had abdicated our present magnificent throne.

To me it seems that to hold fast our distant possessions, is an efficacious antidote to the national indolence and self-indulgence which I deprecate: that nothing can be better fitted to keep up those lofty sentiments which maintain our position as a great nation.

Not indeed, that I would keep a single colony, or a single naval station, for the mere purpose of fostering our pride. To surrender a possession, not through cowardice but through a conviction of duty, is nobler than to keep it. I felt that England reached her highest glory, when in the plentitude of her power, urged by no base fear, she took the unexampled course of retiring from the Ionian Islands.

I would even abandon Gibraltar on sufficient cause being shown; though it ought to cost our hearts many pangs to abandon that grand trophy. I find, and I am

glad to find, that grave and thoughtful men, despisers of mere tradition, accustomed to accept and to promote the newest views of social reform, still fondly cling to the maintenance of our hold on that Mediterranean rock. As to those timid politicians who say that since we have held it nearly a century, we had better retire before other great powers eject us, I agree with those who reply, let them come and turn us out. We will go out on the promptings of duty; we will not go out under fears of armed force.

An Englishman, a few years ago, described his sensations on visiting India: his heart he said, swelled high when he saw the English flag floating over the dusky natives. That visitor's patriotic satisfaction was well founded. Though we may blush at many offences committed by us in India during the last century, we can say with truth that in no other country has a foreign and despotic rule been exercised so thoroughly for the advantage of the governed.

I grant that such swelling of the heart is caused mostly by the sense of the greatness of one's country, and might have been experienced by a Spaniard under Philip II, by a Frenchman under Louis XIV, by a Russian before the Crimean war. But it is heightened and made permanent in our case, by the conscientious conviction that our greatness is founded on equity and benevolence.

And yet there are to be found men, and men of distinction, who speak of our Indian possessions as a misfortune: as a charge entailing duties and responsi-

bilities which we should do well to cast off! True epicureans these, who say to their countrymen, take your ease; eat, drink, and be merry: as to national greatness, that is the dream of enthusiastic fools. For myself, I regret the grander and rougher days of Chatham and Burke, when such half-hearted Englishmen would have suffered the scorn they deserve.

I have spoken of the swelling of the heart felt by a traveller. An old friend of my own, long desirous of seeing for himself the great continents of the world, at length was able to leave his affairs in his partners' hands, and took the opportunity of visiting in succession, Australia, India, and America. He then felt the truth of what a Frenchman has said; that the Teutonic race, by its Anglosaxon branch, has taken possession of half the globe: and his warm heart must have been wonderfully changed if he had not rejoiced, seeing the spread of his native tongue, and remembering how our ancient rivals, the French, had once hoped to make theirs the universal language.

The United States indeed, have long ceased to be our possessions: they taught us a lesson which we have thoroughly learnt, not to use force against a great colony desiring to be free. But the United States, great as they are, had their beginnings in a few shiploads of emigrants; left pretty much to themselves, as Canada and Australia are now left; battling with the Indians, piously hunting out witches, cruel and fanatical with the vices of their day, but growing up in the strength of freedom. Let us then foster colonization,

that in Australia and New Zealand other United States may grow up, to exhibit in another hemisphere the language and literature, the moral energy, and the Protestant liberty of Great Britain. So shall we maintain the greatness of the mother country.

Suppose now that my friend, on visiting Australia, had been preceded by an Act of Parliament, declaring that colonies were a nuisance and ought to be got rid of; and requiring the Australians, north, south, east, and west, to get ready for immediate independence. Say that a visit to New Zealand had found the settlers raising a militia, and getting ready a political constitution, in preparation for our departure: India too, we might imagine about to be left to its own resources: to the mercies of new Hyder Alis and Tippos Saïbs; to unchecked incursions of Mahrattas and tyrannies of Runjeet Singhs. Would my friend have returned to England proud of his country: or would he rather have taken up his parable with Burke, and denounced the calculators and sophisters who had succeeded to the grand statesmen of old?

Most men however, are more stationary than my friend, and confine their wanderings to Europe or America: they neither scour Hindostan, nor put a girdle round the earth, in search of pleasure, instruction, or health. Yet we who vegetate at home, are stirred up by those who go and return: we listen eagerly to the accounts of strange races subject to our dominion; of manly Maoris and dusky Hindoos: we are fascinated with the descriptions of the arid plains of

Australia, of the steaming atmosphere of Calcutta, of the minarets of Benares the Splendid. These realities surpass the fictions of the poet; who, indeed, can transport us to Thebes and Athens, to China and Peru, but cannot stir us as does the sight of the man who returns from visiting them. Our minds are enlarged: we remember that the Maori and the Brahmin and the Santal are our fellow subjects, and we learn to appreciate the greatness of our country.

The extensive civil and military services in India, help this practical education. The European soldiery is now very numerous, and each private sent from this country, is the centre of a little circle of learners at home. I have known a young artizan enlist, to escape the result of a youthful error. After a time he sails for India: his parents weary for a letter; and the long time it takes to arrive, brings home to the mind of the family more geography than they ever knew before. Then there come a few lines with uncouth names, and hints of outlandish people and unheard-of customs; and if the youth lives and returns, he has strange tales to tell of the greatness of the English power throughout the world.

The civil service teaches the same lesson to the middle classes; who from the time of Clive downwards have had the administration of India in their hands. The Governor-Generals indeed, have frequently been of aristocratic families: such were Marquis Wellesley, Lord Cornwallis, Lord William Bentinck, Lord Dalhousie: the Queen's troops, distinct till lately from the

Company's troops, were commanded as they are at home, by noble or rich men: but our Indian empire has been created, organized, saved, by the mercantile and middle classes. The competitive examinations constantly going on, interest great numbers in Indian questions: and the youths who succeed in getting appointments, more skilled with the pen than the private soldier, constantly remind their friends by their letters, that there are other English subjects besides those who live within the narrow bounds of our little islands.

Those who have no such correspondents, still know something of our Indian empire. Many in their youth, have learned how passionately Burke assailed Warren Hastings in Westminster Hall, and with what glittering dramatic force Sheridan supported the accusation: more have read and re-read the biographies of Clive and Hastings, perhaps the two first of Macaulay's Essays: some are not ignorant of the Indian career of the Wellesleys. The Black Hole of Calcutta, the battle of Plassey, the ravaging of Rohilcund, the treatment of the Begums of Oude, the capture of Seringapatam, the murderous battle of Assaye, are classical among us. Our minds are trained to heroism by these deeds of our fathers: surrender India, and in a few generations such exploits would look to posterity as faint as Cressy and Poitiers look to us.

Even mere readers of newspapers and periodicals, learn a good deal. Algeria is much nearer to us than India: the French have great possessions there: at one

time Abd-el-Kader stirred up a fanatical rebellion. We read accounts of the war and forgot them, retaining only an exaggerated recollection of the suffocation of a tribe in a cave by Pélissier. What Englishman forgets the Indian Mutiny; Delhi, Cawnpore, Lucknow, Havelock, and Colin Campbell? I cannot say that we know much of the conquest of Scinde, of the Punjaub, and of Burmah: but we know nothing of the recent French occupation of Cochin China; and we take the liberty of skipping the long and repeated articles in the *Revue des deux Mondes*, on the Exploration du Mékong. We read with pleasure of the exploring of the Indus; and we have a painful sympathy with Captain Sturt who died the other day, poor and blind, after aiding adventurously in tracing the great rivers of Australia, the ever-diminishing Macquarrie, the Darling, the Murrumbidgee, the Murray, and the Victoria.

All these exploits, in war or peace, have been performed by Englishmen. Give up India and Australia to anarchy, or to the Russians, the French, the Germans, and we should turn with loathing from these great countries, and from the noble sentiments they now arouse. Let us then hold fast our colonies, so long as we are not forbidden by the claims of kindness and justice.

II.

IF it be true then, that national greatness is a just object of desire; that those who do not share that desire are unworthy of the advantages they enjoy as citizens of a free country; and that a passionate but chastened patriotism teaches us to hold fast our colonies as a means of maintaining our true greatness, and of staving off the indolence and self-indulgence natural to a prosperous nation; it still remains to consider at what cost this consummation may be attained.

First as to the money cost. For myself, even if that were considerable, I should be disposed to make light of it: for with the fixed conviction I have, that our national greatness would be sorely imperilled by the loss of our foreign possessions, I could not condescend to weigh that greatness in the scales against an annual expenditure of even many millions. We now spend nearly 25 millions £. a year on our army and navy. If by cutting loose from us, Canada, Australia, India, and our smaller possessions, we could at once reduce the 25 millions to 23, this would be a great triumph in a ministerial budget: it would be gratifying to all who had to pay 4d. instead of 6d. in the £. for income-tax: and shortly afterwards, when we found ourselves the laughing-stock of the world; when we experienced for the first time the contempt of France and Germany and the United States; there would be

a cry for the disgrace of the ministry which had so humiliated the country. What a sacrifice for what a result! Two millions a year saved, and the national greatness gone! To rescue half a dozen English officials, we spend eight or ten millions; to keep the Cossacks from the Mediterranean, we spend a hundred millions; and we grudge an annual outlay of a fifth or a fiftieth of such sums, to maintain our position as the first of European nations.

I have mentioned two millions as the hypothetical cost of the colonies to the mother country. I have fixed on this sum, because a few years ago, a careful estimate showed it to be what we were then spending: the entire amount of four millions which appeared as our expenditure, being fairly divisible into two equal parts; namely, two millions applied to keeping up the naval and other stations, such as Malta and Cape Coast Castle, necessary for the protection of our commerce, and two millions applied to the protection of Canada, New Zealand, and other colonies.

Since that time, the Colonial Office has been labouring to diminish this two millions: we know from the newspapers what a struggle has been going on between New Zealand and Lord Granville, as to the maintenance of British troops in the colony. On our part it has been said: the colony now governs itself: as it has the delights of independence, it must take also the responsibilities and the cost. New Zealand has, no doubt, to deal with natives endowed with masculine qualities, too often guided by savage instincts, and

applied to the services of passion and treachery. Our North American colonies in their earlier days had equally warlike and more treacherous tribes to encounter. But if New Zealand has its troubles, and even its horrors which make our flesh creep, it is free from those difficulties which beset our early American colonies. Its progress has been astonishing. Twenty years ago its annual exports were not £100,000; now they are 5 millions £.: an increase of fifty fold in twenty years. Its sheep have increased from one fifth of a million to nine millions,

Its cattle have increased from 30,000 to 300,000,

Its horses ,, ,, 3,000 to 70,000.⁽⁵⁾

So prosperous a community may fairly be called on to pay its own expenses.

Gradually then, we may expect to reduce our cost of 2 millions £., to a far smaller sum. I do not say we may expect to reduce it to nothing; because I imagine that with our extensive and varied possessions, there will probably be always some requiring more or less assistance. Jamaica, for example, has never flourished since the emancipation of the slaves was forced upon her: we gave what seems a liberal compensation; we are told that even if slavery had continued the competition of other sugar-growers would have ruined the old island: but after all, here is a distressed colony, and we cannot set aside its claim upon us. Just as at home, in the case of a destitute family, we do not say: your father in his prosperity might have provided for you; go starve; there is no place for you at nature's

feast: so in the case of an embarrassed colony, we must acknowledge the claim founded on real want.

I feel the force of the objection: that to relieve the distressed colonist you tax the distressed householder at home; that you have no right to levy a duty on the poor man's tea that the Jamaica creole may be aided. I answer, that this is an excellent reason for revising our system of taxation, but not for refusing assistance to a colony.

Government expenditure may be divided into two parts. In the first part comes that for police, army, navy, justice; all institutions *necessary* for protecting the subject at home and abroad: I should add other things such as poor law relief, and primary education. The poorest man partakes directly of the benefits conferred by these institutions: he may therefore be justly called on to pay his share of their cost: he has no more right to get these for nothing than he has to get his bread and his clothes for nothing.

In the second part may be placed all the ornamental portions: the Queen's palaces and her privy purse; the allowances to the royal family: grants for art and high education; for national galleries and portrait galleries: the expenses of brilliant embassies. In these, the people at large are only indirectly interested.

I believe it would relieve much discontent, if a clear distinction were made in the Chancellor's annual budget, between these two classes of expenditure. When new Joseph Humes ply their invaluable task of analysing the public accounts, it would be satisfactory

to be able to say: you object to this addition to Buckingham Palace, or to that embassy for congratulating the King of Italy, and to a certain grant for Manchester and Glasgow Colleges; remember that the funds for these purposes are provided by the richer classes, and not by the poor man's taxes.

I am not satisfied with the possible reply, that the income-tax is the very fund I demand: that it supplies on the average far more than these extraordinary expenses, and that it is not levied on the poor. I would it were so! This tax is levied on all persons having an income of £100 a year. Are there no poor among such persons? Is not the middle-aged curate with £100 a year, a poor man? or the middle-aged surgeon with £150 a year, or the middle-aged solicitor with £200 a year? These men are required to look like gentlemen, and they are really poor; whereas the artizan who may live as he likes, is not poor with £80 a year.

The hardship is aggravated by the absurd arrangement which charges the tax on the whole income and not on that part of the income above £100; so that with a 6d. tax (for small incomes) the receiver of £99. 19s. pays nothing, and the receiver of £100 pays £2. 10s., and is the poorer man by £2. 9s. A further aggravation was added by Mr. Gladstone; and in my estimation it is so grievous a cruelty that it cancels a considerable portion of the vast services he has rendered to his country. Sir Robert Peel fixed the limit at £150, but Mr. Gladstone reduced it to £100.

The sufferers are just that class who have little political influence, and who have had to bear their sufferings with what patience they possess. Every man who takes part in affairs, has some thorn of remorse left in his mind, and Mr. Gladstone may some day feel the wound of this thorn.

Such a fund as I require, has therefore still to be formed; a fund for superfluous expenditure: and out of this fund I should be quite willing that we should pay the colonial expenses which continue to fall on us. Thus, we should escape the charge of taxing the farm-labourer's beer, or the curate's tea, to support a national greatness which such men ought not to pay for so long as their own necessities are barely supplied.

I have said that the annual expense of two millions is in course of reduction, and though it may not be extinguished, may probably be brought down to a small sum. But even if the expense continued to be a paltry two millions, (paltry in comparison with the true greatness we buy with it) I should think it wisely incurred.

I believe however, that even on this improbable supposition of our having to permanently disburse two millions annually, we should not be losers even of money, because we should far more than recoup ourselves. We are told indeed, that if free trade were universally adopted, it would be a matter of indifference to our commerce whether our colonies were governed by us, by some other European power, or by themselves. I may answer that free trade is not universally

adopted, that there is no near prospect of such a consummation, and that if we may judge by the practice of the United States, a newly settled country is not the part of the world where free trade is popular.

As to the actual commerce going on, it is worth while to look at the following figures, which refer to a period thirty years ago.⁽⁶⁾

In 1838 every Brazilian took from us	£.	s.	d.
manufactures to the value of . . .	0	8	6
Every inhabitant of the United States . . .	0	10	0
„ „ Canada . . .	1	7	0
„ „ Our West Indies . . .	3	8	0
„ „ Cape of Good Hope . . .	4	3	6
„ „ Australia . . .	10	5	0

We must remember that the Americans are a far richer people than the Canadians, and are therefore capable of importing much more.

But even if free trade were universal, I cannot believe that the possession of colonies would be a matter of indifference to our commerce. It is far easier to trade with persons who speak your own language. No doubt, if the present colonies were cut off from us, they would go on for a time talking and writing English. But who can say what might be their fate? One might throw itself into the arms of France; another might become a Prussian dependency: for those great European powers would move heaven and earth to get a share of our cast off possessions. German emigration would be diverted from Ohio to the new German Colony: the German language would be

substituted and our commerce would suffer. Besides, if we surrendered our claim to the unsettled parts of Australia, there would be nothing to prevent other European powers from starting colonies there, as France has actually done in occupying New Caledonia, when we declined that island. Though France is unsuccessful in colonization, North Germany is great in emigration, and now it is becoming a great maritime power, there is no reason why its shoals of emigrants should not form colonies of their own. The preachers of indolent surrender, overlook the existence of other European nations, burning with envy of our possessions, smiling at our proposed abdication, and eagerly waiting the opportunity to take our place. How little should we look, if we found that in surrendering our greatness we had lost our commerce also ! What sort of gratitude might we expect from our sons, when they felt the destructive consequences of our indolence !

I will say little of emigration, because we see that it can go on without the possession of colonies. The swarms of people from North Germany, who hive for the most part in Ohio and the neighbouring states, prove the needlessness of colonies for this purpose. But with regard to the educated classes the case is different. There are constantly growing up among us numbers of young men, many of them fresh from Oxford and Cambridge, indisposed to enter the Church, unfit for the Bar or unwilling to await its uncertain awards, shrinking from Medicine, and wanting introduction into business, with no prospect of a home, and

quite ready for travel and adventure. Our Indian administration attracts many such men, our colonies a few.

I find objectors who go on repeating that we cannot spare the emigrants, for that we are not over-peopled. I reply that if an artizan is without employment, it is no comfort to him that a ploughman is wanted in Lincolnshire: it is better for the artizan and better for the nation that he should go abroad where he can get work, and where his children will easily get forward. It is useless to have men, unless they are men in places they are fit for.

We are told also, that those who go are the best, the backbone of the nation: that the resolute and enterprising go abroad, leaving the timid and apathetic at home. This is not the whole truth. If I look around among young men of my acquaintance, I see some who are worthy of all respect, but who cannot settle down to a fixed town employment: who long for movement, air, sunshine, and storm, and who are impatient under the monotonous restraints of everyday occupations. These are the men for volunteer fire brigades, and in case of war for fighting; but they are not the backbone of the nation in times of peace. Emigration, employment in India, a mission to the end of the world, form their natural resources. In sending them away, we get rid of an explosive material, dangerous in quiet times: we apply the material to a useful purpose, on the plains of Australia, or up the country in India. In one sense these are our best men: they are the best to go, not the best to stay.

III.

BUT however immense may be the advantages to ourselves, in reputation, in real greatness, in commerce, and in social arrangements, we have no right to retain our hold on our external possessions, against the true interest of their inhabitants or even against their deliberate wishes. I have already said how delighted I was when England set the example, the first in the history of the world, says M. Guizot, of retiring spontaneously from a foreign possession. The Ionian Islands may, or may not, be the better for losing the fostering care of a rich, spirited, and just nation, and casting in its lot with a barren and distracted little kingdom. My sympathies however, are with the Ionians: I would rather be poor with a government of my own people, than rich with a government of foreigners. At any rate, we were right in yielding to the expressed wish of the inhabitants: and we were fortunate in having an opportunity of showing our real greatness, by voluntarily retiring.

If therefore, the Dominion of Canada should clearly and calmly determine to ask us to retire, we should be bound to go. But since no one can foresee what is likely to happen in this respect; since it may turn out that the slight, silken bond which unites the colony to the mother country, is infinitely stronger than an iron

chain of military force; it is useless to discuss the probability of separation on account of incompatibility of temper, and we are limited to the inquiry, what the real interests of the colonies require.

Do the real interests of the colonies require us to abandon them to their own unchecked management?

True greatness should be the patriotic desire of every community, great or small; of a colony as of a mother country. Mere individual life; labouring only to exist and to get rich; disregard of social excellence; carelessness about true national distinction; are as contemptible in the new world as in the old, in the southern hemisphere as in the northern.

But if you turn a colony adrift, if you leave it to struggle for existence, if you cut it off from direct sympathy with the old world and with its delicacies and refinements, you leave the colonists to devote themselves unchecked to the pursuit of their material interests. Even so great a country as the United States, after nearly a century of national life, is much wanting in the higher accomplishments of older nations. While the Americans have multiplied tenfold, and their wealth has increased fiftyfold, their distinguished men have been few: they cannot produce ten soldiers such as George Washington, ten statesmen such as Alexander Hamilton, ten philosophers such as Franklin. How long will it be before high works of literature, philosophy, and art, arise in New Zealand or Canada? But so long as these settlements are parts of our Empire, they share our

achievements, they partake of our glories, they sympathize with our successes, they are Englishmen.

They have few historical monuments, but they share in those of Great Britain. They have no York Minster or Westminster Hall; but when they visit those venerable places, they feel that they are theirs as much as ours, since the colonist is a unit of the empire. The Americans also, try to feel in this way: they say that their ancestors as well as ours raised and illustrated those wonderful edifices: but they are conscious while they are speaking that nearly a hundred years ago they violently, though wisely, entered on a career of their own, and disclaimed all sympathy with reverential European sentiment; and that once every year they proclaim in the strongest language their superiority over the effete Europeans. The Protestant, if he pleases, may boast that his ancestors shared in exalting the Pope above the world of kings and emperors, in denouncing Huss, in persecuting Wycliffe; but the Roman Catholic reminds him that for four hundred years his church has renounced all satisfaction in such deeds. The Americans can raise but a faint claim to our past glories: the claim of the colonist is as good as that of the Cornishman or the Scotchman.

There are men to whom these considerations appear transcendental: men who believe in their own superior enlightenment, and show their wit by sneering in choice language at the romantic notions of a past generation. Let them sneer on, and delight in raising a facile laugh among clubs and coteries. The great

lessons of philosophy and history will survive their futilities.

But there are considerations which even the prosaic, the worldly minded, the cynical, cannot neglect.

We have surrendered to the colonies the right of making their own laws as to all things local: we have reserved to the imperial parliament and the British Government the determination of all matters affecting the whole empire.

In administration however, even in some things directly interesting only the colonies themselves, the crown has kept its old powers; as for example, in the appointment of a Governor. This is reckoned a small matter: yet it might not appear such if the practice were changed, and if each colony had to make this appointment for itself.

Look at the United States, with a population now much outnumbering our own: see with what eagerness the election of a President is conducted; with what previous discussions, with what party meetings; with what newspaper virulence and monstrous lying; with what unscrupulous misrepresentation of opponents' motives: with what unblushing scandal and calumny as to the candidates proposed! If such unbridled passions prevail among so huge a people, what would be the bitterness and hatred stirred up among a hundred thousand, or a million of people, living comparatively near to each other as in New Zealand or South Australia? We know that in the small Italian republics of the middle ages, so dangerous was the political

excitement attending the choice of a Doge, that the power of election was surrendered to another state which had no interest in the matter : just as if lately, Spain, in the agony of fixing on a king, had formally called on Queen Victoria to make the choice. If we did nothing else but appoint governors to our colonies, our services would be great.

Again ; there is the admixture of races. Very near to us we have a formidable illustration of the difficulties arising from this : in Ireland we see Celts and Saxons living together ; two great streams flowing side by side for centuries and not mixing. Most of us believe that if we cast off Ireland, as we are told to cast off our colonies, the Celt and the Saxon would soon be at each other's throats.

In Jamaica we have lately had a humiliating example, of the injustice which may be practised by Englishmen when dealing with other races. Whatever opinion we may form of Governor Eyre ; whether we regard him as a man who with open eyes did his duty, knowing the hazard to his own reputation and future prospects ; or rather as a resolute man with a narrow field of vision, capable of being a hero to-day and an oppressor to-morrow, first the generous protector of bushmen, and afterwards the severe repressor of coloured men : whatever may be our estimate of Governor Eyre, we cannot deny that among his advisers and subordinates there was an unscrupulous ferocity worthy of the companions and successors of Columbus ; nor can we have forgotten that those bloodthirsty men, far from being

punished by their West Indian fellows, were regarded as the saviours of the colony. Let it be considered by those who clamour for abandoning the colonies, how they would feel when they heard that an absolute military power established by the whites, had been followed, as it probably would be, by a negro insurrection, accompanied by all the violences and abominations which converted Hayti from a great French colony into a half barbarous negro kingdom.

But besides the difficulties between one race and another, there would be difficulties between different portions of the same race. Englishmen, at home or abroad, are tenacious of their rights and prompt in defending them. At present, if Jamaica is wronged by Barbadoes, an appeal is made to the sovereign power; which arbitrates, pronounces, and forbids recourse to violence. Left to themselves, Jamaica and Barbadoes might ruin themselves in a passionate struggle. Great Britain, the lord paramount, keeps the peace among her vassals, without demanding the payment of blood and money formerly enforced by the sovereign power.

A great state has lately been created in America. The two Canadas have been amalgamated, and with the addition of Hudson's Bay and the smaller provinces, now constitute the Dominion of Canada: an English province, with a population as great as that of Holland, and a territory as extensive as that of Europe. We all know that Nova Scotia, having at first agreed to the project of amalgamation, afterwards declared that it had been surprised into assent, and desired to with-

draw it. Much discussion, recrimination, negociation : at last Nova Scotia gave way. Now if there had been no predominant power to appeal to, there would have been great danger of violence : the Canadas, conscious of strength, would have used high words ; Nova Scotia, irritated and gradually rising to fighting pitch, would have embodied volunteers, purchased arms, appealed perhaps to France, or the United States. Blood would have been shed ; and perhaps Nova Scotia would have belonged to a foreign power.

Travel to the other side of the world. There we have a number of colonies in different parts of the Fifth Continent ; we have New South Wales, Tasmania, South Australia, Western Australia, Victoria, and Queensland : if we withdraw our claim to dominion, these six settlements would become so many independent states. The project of a federation would of course be renewed : we might require such an arrangement as a condition of our withdrawing : the proximity of the settlements to the seaboard would facilitate this ; though after all, distances of thousands of miles would make it difficult notwithstanding the aid of telegraphs. Again ; to protect the Australian Federation against the intrusion on the continent, of French or German colonies, we might make over to the Federation all our sovereign rights.

Yet there would still be a probability of dangerous complications. The boundaries of the new states of the Federation, would be vague, in a country so imperfectly mapped out : the sheepruns of New South

Wales, might unwittingly be carried into Victoria or Queensland: certain goldfields on the borders might be contended for by two of the states; and taxes paid to the one might be claimed by the other. At present the sovereign power admits no resort to violence or even threats: but with a weak central government at starting; with individual provinces not bound together as were the United States, by a seven years' struggle with England, and long afterwards by fears of a renewed contest; with a rough people, many of them not unacquainted with crime; there would be danger of quarrels more severe than the American ones, when New Englanders refused to take part in the naval war with Great Britain, or Carolina's nullification yielded only to General Jackson's threats: there might arise on a small scale a civil war such as that which has lately desolated the United States.

In New Zealand, there are two distinct interests: the northern island contains the greatest part of the Maories; the southern island contains few of them; would a government common to both, do its duty in protecting the north? Even now the difficulty is felt, but it is prevented by our control, from being aggravated into violent quarrels.

As to the Cape, I find the following remarks in the year 1867.⁽⁷⁾ In Grahamstown,

"The Eastern province is determined on separation from the Western. The late session of Parliament has shown that sooner or later this must come to pass. The Eastern province, almost entirely English, naturally objects to being literally dragged into bankruptcy by the Western (Dutch). The Western is, of course, able to gain a

slight majority in Parliament, returning three more members than its sister province; this is the only obstacle, so say the Easterns, to separation. Since Government will take no steps to put an end to the endless ravages made by the Caffres on farmers' stocks in Caffraria, it is not to be wondered at that in those parts the frontier people are very anxious to be taken out of the hands of their neighbour province, since all the money voted by Parliament appears to be spent in Capetown improvements, and the expenses of the Frontier Cape Mounted Police are being cut down. People in England have no idea of the enmity existing between East and West."

Six months later there occurs similar information, with complications of geography difficult to unravel.

"Grahamstown.⁽⁸⁾ The mail from the Orange Free State⁽⁹⁾ has just arrived, bringing news calculated to make traders and intending settlers pause before proceeding up country. The Basutos are determined to prevent the Boers occupying the newly acquired district. 'The country,' says the *Friend*, 'is rapidly drifting into a chronic state of hostilities, which must, if a better policy be not adopted, continue till our white population are beggared and ruined.' The report of a rising against this miserable Dutch Government on the part of the English proved to be unfounded, but as a friend just arrived here informed me yesterday, it is not unlikely to take place any day. The Government have declared that 'the country could not afford a police force,' so the purchasers of land refuse to occupy without protection. Of course, with this continual agitation going on, no one will risk capital and there will be no new comers. The Government of the Orange Free State can neither keep peace with the surrounding tribes, nor can they conquer them. The English party would be in favour of annexation, but probably the Boers would not, for the Dutch as a rule detest the English in their hearts all over South Africa. It is very doubtful too, whether our Government would care about having anything more to do with our former territories, though their climate and soil no doubt are far superior for agricultural purposes to the uncertain seasons and poverty-stricken lands of the British provinces."

Here you have a colony, planted originally by the Dutch, and taken from them by the British forces. Perhaps we should have done wisely on the conclusion of peace, to restore the colony, retaining a naval

station if we saw fit. But this course was not taken : under a British government, numbers of English have established themselves. The former Dutch settlers, (the Boers) have remained and have multiplied : they hate the English as foreigners, as conquerors, and as men who a generation ago, impoverished them by putting an end to slavery. Enmities of race have a wonderful vitality ; witness Ireland, Poland, and as readers of George Sand's admirable *Consuelo* know, Bohemia. Generations may pass away before the Cape disputes are composed ; unless indeed, the British should grow so fast as to greatly outnumber the Boers, just as they have grown and outnumbered the Canadian French. I say nothing in this place of the Caffres, though they create further difficulties.

Certainly, it is displeasing to us to find men of our own race, speaking such a barbarous lingo as the one caricatured in *Artemus Ward* : we recoil from the habitual revolver and Lynch law : we should unwillingly see introduced into Canada and Australia, the periodical Presidential struggle, ending with the dismissal of foreign envoys, and civil servants down to the very postmen. Let us try to save our colonies from these blots on civilization.

We should not feel proud of a renewed struggle between the Europeans and the coloured men of Jamaica ; nor of another 1839 in Canada ; nor of a war among English Boers and Caffres at the Cape. We should be heartily ashamed, if through indolence we had left the Dominion of Canada to coerce Nova

Scotia, or if hereafter we found in New Zealand the southern island refusing to help the northern against the Maories, or the various Australian settlements fighting about goldfields and sheepruns.

For the sake of the Colonies themselves, let us hold them fast.

IV.

WHATEVER may be our conclusion as to keeping our foreign possessions generally, we must all feel that the reasons on either side are stronger in some cases than in others.

As to Gibraltar⁽¹⁰⁾ for example: whatever may be our patriotic exultation, in holding a rock which we took by force more than 160 years ago, and the defence of which by Elliott with his red hot shot, is one of the familiar feats of British arms, we cannot conceal from ourselves that there are urgent reasons for considering the proposals to abandon it. I go no further than this: I believe that I should be better pleased at first to find that after full and candid inquiry we held ourselves justified in retaining the place; but I am convinced that if we arrived at the opposite conclusion, second thoughts would make me more proud of my countrymen when they vacated the place voluntarily, than I should be if on sufficient grounds they resolved to keep it. It would be the repeated

glory on a grander scale, of the cession of the Ionian Islands.

The one powerful argument in favour of retiring, is the resentment felt by the Spaniards at seeing the rock in the keeping of foreigners. We are bound to constantly repeat the commonplace question, how we should feel if the Land's End were garrisoned by Austrians: we should not be reconciled to such humiliation even though we had borne it five hundred years.

It is alleged that the Spaniards hate us, and will continue to do so while we hold Gibraltar. The same writers who insist on this fact, at the same time denounce our "selfish greed of power," and declare that our treatment of Spain has been "selfish, haughty, and oppressive." If this be true, the withdrawal of our garrison would not secure to us the affection of the Spaniards. There is an obvious reason why it should not. Sixty years ago we undertook their defence against the French: after six years' fighting at our own expense, we drove the invaders over the Pyrenees: at Talavera, at Salamanca, at Vittoria, we beat them in pitched battles. But these battles were won by the British: the Spaniards reaped the benefit, not the honour: the necessities of war compelled our great general to censure the vacillation and the unreadiness of the Spanish armies; to treat them as mere supplementary militia, who could hold a post but could not manœuvre in the field; and finally on entering France, to order them back as insubordinate plunderers. The

services we rendered were too great to be forgiven; the Spaniards were "bankrupts in gratitude:" the exhibition of their own military incapacity by the side of our unfailing success, maddened them with envy and jealousy. These malignant sentiments might no doubt, gradually disappear, but for the unfailing irritation caused by Gibraltar.

The various writers on this controversy are apt to begin with saying that "they discard the sentimental question:" meaning apparently that it ought to be discarded. But I contend that the recollection of our ancestors' prowess in taking and defending the rock, is just what should not be discarded, and should even be carefully fostered.

Yet I am quite willing to listen to the declarations, that though the place, properly defended, is impregnable, yet that it is worth nothing to us as a fortified post; and that the anchorage of the bay is bad, with insufficient shelter for vessels, while Ceuta on the opposite coast would suit our purpose better: but I also pay attention to the contrary objections that while Gibraltar is ours, Ceuta is not; that the climate of Ceuta is bad, and that even if fortified at whatever cost, it could not be made secure.

I conclude that I should much like to see a public inquiry, with witnesses from France, Russia, the United States, and Spain itself. It might turn out that just as the Great Powers committed to our care the Ionian Islands in trust for Europe, so they would now protest against our withdrawal from Gibraltar, as believing the

defence of the Straits safest in our keeping. So supported we might safely, and with an unhurt conscience, refuse to withdraw.

The case of Canada is quite different. There is a remarkable accordance among all parties in England as to the desirability of being well rid of a colony so near to the United States, so far from our shores; so accessible to American attack, so manifestly impossible for us to defend. But we are equally agreed that to withdraw before the Canadians desire our departure, would be pusillanimous and base.

If the Canadians should be unwilling to give up their birthright as Englishmen; if they should shrink from the stump oratory and corruption attending the election of a President; and would rather have a Governor sent over by the crown, preferring an English gentleman to a popular tailor; and if they should be willing, in order to secure these advantages, to abstain from protective duties on British commerce; the connexion between us may continue, until the Dominion of Canada grows into a powerful ally, as valuable to us in any unhappy dispute with America, as Scotland was formerly valuable to France in her wars with England.

The greatest of all our dependencies however, is India; and the possession of that vast country makes us an object of envy to every European nation. If we are fit for the high calling of governing such a magnificent province; if our predominance is applied to benefitting the Hindoos; if we really accomplish

what the Great Mogul formerly attempted, in protecting the subject races from oppression by the Mahometan conquerors, in keeping the peace between hostile tribes, in preventing the growth of robber chieftains, in constructing roads, water courses and reservoirs; then we may with a safe conscience maintain our sovereign power. Remembering the course of events before we became masters; the breaking up of the Mogul Empire; the rise of unscrupulous princes such as Hyder Ali and Tippoo Saib; the growth of the Mahrattas in the Western Hills, and their devastating and constantly repeated descents on the peaceful plains, ravaging, enslaving, and burning; and seeing the impossibility of constituting any native central power which could hinder the return of such anarchy and misery, I rejoice to think that in the interests of humanity we are compelled to hold our ground, and are as unable as most of us are unwilling to listen to the base proposals of feeble epicureans. Whether we will or not, we must continue to be a great nation; fulfilling the duties, and accepting the responsibilities, of greatness.

There are men, I know, who sincerely deny the right of any people to force themselves on another people as their governors: and who adopt the cry of India for the Indians. I reply to this in the words of Earl Grey.⁽¹¹⁾

"I believe that a spirit of disaffection has been found, in the earlier years of British supremacy, to prevail very generally *among the higher classes* of native society in the various countries of British India which have been successively brought under our dominion; and that something very similar may be observed wherever a semi-civilized or a barbarous

people is brought under British rule. That rule *is generally a blessing* to the population at large; but it is not less generally obnoxious to those who, as priests, or chiefs, or nobles, have been at the head of the native society, because, in addition to their feeling painfully their inferiority to the ruling race, they also find that they can no longer maintain their station among their own countrymen, when British authority interferes with the exercise of their former tyrannical power, and when British example and the diffusion of education gradually *emancipate* the minds of the mass of the population *from the superstitions* by which they are enthralled."

That we are hated by the old Mahometan conquerors, and by Hindoo princes, and by priestly Brahmins, I have no doubt. But if the same hostility prevailed among the masses, we certainly should have been exterminated during the mutiny; outnumbered as we were by a thousand to one. Apparently, we no more maintain ourselves by force, than did the native rulers before us.

What a Hindoo may feel on this subject is told us by an English critic, reviewing a recent book by *Bholanauth Chunder*.⁽¹²⁾

"The most interesting parts of the book are those which convey to us the opinions of the Hindoos with reference to our Government in India, or which describes the aspirations of the native population. The author, no doubt, gives us the views of the more intelligent and educated section of his race, but he is also well acquainted with the condition and wants of the general population. Of the *Mahommedans* he speaks, as may be supposed, with *aversion and dislike*. He is quick to perceive the *willingness of the Mussulman to oppress the Hindoo, if he had the power*. He remembers the wrongs of his people, and is *attracted towards the English* because they have rendered a repetition of those wrongs impossible. More than once he dwells upon the fact that every man in India is free to worship according to the dictates of his conscience. 'The Mussulman,' says the Hindoo, 'is a fangless cobra, that bides the time to raise his head from the dust.' Of his own people, the Bengalees, the author frankly admits that if the English were to leave them

masters of themselves, they would 'on the next day have to apply to the British Parliament for succour, with epistles styled, *The Groans of the Bengalee.*'"

On this opinion, and on others of the same kind, I feel much satisfaction in quoting French authors; because I am convinced that however candid they may be, they would not strain the truth in our favour.

Now we find M. G. Lejean saying as follows, with regard to the mutiny, and with regard to the protection of the weak against the strong.

"The⁽¹³⁾ insurrection of 1857 does not show that India was discontented, or desired to return to its native princes; it was a pretorian movement, with religion for a pretext, and was aimed at the Hindoo people as well as at the English predominance. The supporters of the revolt were native aristocrats irritated against a system which bridled their organized spoliation of the laborious classes. Most of the Sepoys belonged to this squirearchy, impoverished by the suppression of abuses, and to whom the East India Company had opened the ranks of their army, a career which supplied them with honourable means of existence, and preserved them some importance in the eyes of their countrymen. Their first act on restoring the Mogul Empire at Delhi, in the person of old Bahadur-Shah, was to sack the shops. Accordingly the masses took no part in the movement; and at the present time, as then, a hostile army invading India, would be recruited with only a few incurable fanatics, the loose population, and the bazaar thieves. The Hindoo people, timid, gentle, docile, subtle, and intelligent, perfectly understands that it has nothing to gain by a change of masters, and that no new government will surpass the present in the matters of civil and religious liberty, equality before the law, and security for person and property."

French praise of an Indian administration is nothing new. Nearly forty years ago a young man, clever, rather conceited, prejudiced against the English, left his Parisian literary associates, to spend some years under the dominion of the East India Company. This

is Victor Jacquemont's testimony, as it will be found in a late article of the *Edinburgh Review*.

"One⁽¹⁴⁾ must have travelled through the Punjaub to know what an immense benefit to mankind English rule in India has been! How much misery it spares eighty millions of men! A numerous class of the population in the Punjaub lives by the gun. It is perhaps a most wretched class, but in strict justice it has no right to anything except to be hanged. I cannot witness the horrible evils of such a system without heartily wishing that the English may carry their frontier from the Sutlej to the Indus, and that the Russians may occupy the other bank. It is generally believed that a terrible collision between these two great Powers will some day or the other decide the fate of Asia; but I am inclined to think that then, and then only, peace will reign in these vast territories. European civilization desires to invade the universe. In default of the *civilization* the *domination* of the West is an immense benefit for the peoples of all the other parts of the world; and it is probably the only boon that the religious institutions of the East will allow us to confer."

I will quote much later testimony: another passage of M. G. Lejean in 1867.

"Content⁽¹⁵⁾ to secure in India the magnificent position bequeathed by the Company, England has no inclination, and probably never will have, to run hazardous risks. The recriminations of certain journals against English encroachments in India are quite out of date. Far from accusing England of interfering with native liberty, one may rather reproach her with being restrained by financial considerations, from making further annexations, profitable alike to general civilization and to Hindoo well-being. I have merely traversed this country, but I have seen how certain petty tyrants, such as the Maharajah of Cachmere, the Nawab of Bhawalpoor, and the Guicowar of Baroda, treat the people, the gentlest, the most industrious, and the most docile of the East. Surely one might say that English policy suffers the continuance of these brigands in the heart of its Asiatic empire, to teach a lesson to its own subjects, and to make them appreciate by comparison, the *truly exemplary administration* by which they benefit."

A year later, in 1868, I find in the *Revue des deux Mondes*, a notice of Mr. Kaye's *Lives of Indian Officers*. The French critic begins thus.⁽¹⁶⁾

"When we study the colonies of the present day, and try to estimate the expansion of modern races, our attention is fixed above all on the colossal empire which the English have created in India. Nowhere else has the triumph of our civilization been so complete; nowhere else has the superiority of European manners shone out so brightly. To annex twenty native states one after another and in fact one by another, to modify the cruel practices and the narrow spirit of Brahminical caste, to subdue the military influence of the Mahometans, to establish a peaceful and centralized government on the ruins of monarchies exhausted by the intestine struggles of eight centuries, to rule 180 millions of Asiatics with a handful of foreign soldiers, such is the spectacle presented by the contemporary history of India, and this great task has been accomplished in less than half a century."

I do not understand how half a century can be assigned as the period of our work; but if we say a century, the marvel is great enough. The writer goes on to say that the English policy succeeded so well, because

"It has been carried out by wonderful instruments, by the civil or military servants of the Company, energetic men, with knowledge and perseverance, ambitious as men should be when they go four thousand leagues to seek their fortune."

In November of the same year, 1868, there appeared in the *Moniteur*, a "Report on British India, presented to the Minister of Agriculture, Commerce, and Public Works, by M. Jacques Siegfried (of Mulhouse)."

The *Pall Mall Gazette*⁽¹⁷⁾ says of this report:

"M. Siegfried is almost enthusiastic in his general views of the present position and prospects of India in a material point of view; and his appreciation of the part which the British Government, and still more the British nation and public opinion, have taken in the creation of that prosperity is certainly complimentary. 'The English,' he says, 'have applied to the government of their colonies (and that especially for the last few years), a practical spirit which is very remarkable. Treating as secondary those ideas which were once all-powerful, of absolute domination, exclusivism, and even to some extent that of religious

propagandism also, they now appear especially preoccupied with the material interests of their possessions. Their leading object seems to be that of increasing the well-being of the populations, and introducing them to civilization through the method, a little circuitous perhaps, but which appears to me the surest, of commerce and exchange of products."

I find the *Revue des deux Mondes*⁽¹⁸⁾ noticing M. Siegfried's report in much the same manner, and with equal implied approbation.

"M. Siegfried ne cache pas l'enthousiasme que lui inspire l'œuvre de la race anglosaxonne qui a su imposer des lois à un pays six ou sept fois grand comme la France et peuplé par 200 millions d'habitans. Le sol, qui est d'une fertilité exceptionnelle, fournit tous les produits qu'on lui demande et peut alimenter un commerce d'exportation colossal, pendant que la colonie elle-même offre à l'industrie européenne un débouché presque illimité. Toutes ces ressources, on les voit se développer à vue d'œil sous l'influence d'une administration que M. Siegfried nous représente comme *un modèle de bonne politique*."

Even Russia, as I see, adopts a tone of praise. The *Journal de St. Petersbourg*, while expressing its satisfaction at the moderate tone adopted by us as to Russian affairs in Central Asia, says that

"The⁽¹⁹⁾ British nation has perceived that there is now no country in the world which does not approve of its rule in India, and regard it as a pledge of civilization."

This eulogy may be hypocritical; but in that case it is "the tribute which vice pays to virtue."

To retire from India then, would be to leave the gentle Hindoos a prey to the fiercer Mahomedans: to leave the field open to soldiers of fortune to cut their way to thrones: to expose the plains of India to more devastations by new Scindiahs and new Holkars, like those painfully put down by Sir Arthur Wellesley: to substitute oppression for justice, and anarchy for

order. Even to talk about retiring, must seem to a Frenchman a phenomenon so strange, as only to be accounted for by that latent madness which is generally found in an English brain.

As to material prosperity we may say of the Indian Continent what Earl Grey says of Ceylon.⁽²⁰⁾

"Its native races are utterly incapable of governing themselves, and yet they certainly would not submit to be ruled by the mere handful of Europeans who have settled among them, if this small body were unsupported by British power. The great wealth which within the last few years has been created would be destroyed, and the most hopeless anarchy would take the place of that security which now exists, and under the shelter of which such promising signs of improvement are beginning to appear."

To throw up the task of governing the ancient East, would be as weak as it would be wicked: we should justly incur the contempt and execration of civilized nations.

V.

IN the previous sections I have given my reasons for believing, that in maintaining our present possessions, we should benefit all parties concerned: ourselves by continuing our real greatness: the colonists, by sharing with them the refinements of an old civilization, and by saving them from judges appointed for a term by those whose causes are to come before them, and from gaol warders chosen from drunken rowdies who have been useful in elections.

If these advantages had to be purchased by damage inflicted on other nations, we should have to consider whether such damage overbalanced the good accomplished. If for example, we had kept up the old-fashioned restrictions; if at the present moment we shut out France and the United States from the Canadian trade; if we required a preference to be given to our merchants and manufacturers in Australia and New Zealand: if we maintained the regulations of forty years ago, which excluded from India even Englishmen unprovided with a permission to reside there; then, the advantages I have spoken of might be dearly purchased. But the entire freedom we have conceded to our colonies, and the liberal and kindly manner in which we have dealt with the East, have removed all such drawbacks.

As to the world at large too, I think it may be shown that English predominance could not be spared. That our relations with foreign nations might be conceived as purer, juster, more unselfish, cannot be denied: however much the people at home may desire that we should do right, the performance of duties must be entrusted to agents, to men like ourselves, with affections and passions and vices. Yet to what other nation could we wisely surrender our predominance? To France, whose home government is still unsettled? To Germany, whose recent treatment of Denmark shows how grasping she is? To Russia, the bugbear of the East?

It cannot be denied that our foreign policy is wiser,

juster than it was a century ago; half a century ago; a quarter of a century ago: we may fairly ask to be allowed to complete our improvement: we may say that as "we work by wit and not by witchcraft," dilatory time ought to be taken into account.

If the question were whether all nations should abandon foreign possessions, and should henceforth abstain from acquiring any, that would require serious consideration. But if we retired from India, what is to prevent Russia, France, Germany, the United States, from sharing the East? Canada, Australia, New Zealand, might become the prizes of conquerors. These possessions actually belong to us: they excite in our hands less envy than they would in the hands of other nations. The peace of the world requires us to leave its map untouched.

Which of the great powers is ready for a self-denying ordinance? Not the United States, which covet Canada, Cuba, Mexico: not Russia, which incessantly urges its armies eastward, and desires to clutch Constantinople: not France, which has lately in the East taken Cochin China by violence, and appropriated New Caledonia, an island we declined.

But to many persons there are other considerations still more interesting.

We all know what was the unhappy fate of the gentle races found by the Spaniards in the other hemisphere: one of the most disgraceful chapters in the history of man, is that which tells us how European fanatics baptized hundreds of thousands of happy and

helpless people, and then condemned them to slavery so severe and brutal that they died as if by pestilence. Their only protection came from the mother country; and the most amazing thing in Mr. Helps's interesting history, is the care taken by the austere Philip II (care sincere though vain), to compel the wild soldiery to respect the rights of the natives.

The treatment in North America of the more warlike tribes, has been far better: yet extermination follows. Some fool or knave on one side or the other, is guilty of violence: passions are aroused: the Indians avenge their wrongs by bloodshed and outrage: farewell then on both sides to moderation and justice. War to the knife becomes the rule, and it can be restrained only by a central power. It is the same with ourselves in our colonies and in India: the natives are d——d niggers; potting black crows is a legitimate amusement.

In New Zealand we have a finer race to deal with; yet at times our sentiments are no less savage. Not long ago the *New Zealand Herald*⁽²¹⁾ suggested that a French officer once smoked a number of Algerians in a cave, and that the natives had never troubled the French since. "But England has become troubled with qualms of conscience, or it may be a sentiment about aboriginalism." There should be "a war of vigorous measures; it should be complete and final." The settlers "should go the length of extermination."

I would recommend this passage to the attention of a most respectable paper,⁽²²⁾ which while conceding

several years before, that in the West Indies a strict control was necessary on our part to protect the negro race, maintained that at the Cape and in New Zealand it was "at once wisest and most merciful to leave the Colonists and the natives to fight out their contests by themselves." This was urged on the ground that all our efforts on behalf of the natives had failed: yet quite recently I find another London journal contending that we have succeeded too well,⁽²³⁾ for that our treatment of the Maories has sometimes erred by excess of kindness.

That colonial legislation requires careful watching is easily seen. In August 1869, I find the following account:

"The⁽²⁴⁾ Cape Parliament has had a bill under discussion regulating the relations of masters and servants. It was proposed to inflict on the servants flogging, imprisonment with hard labour, spare diet, and solitary confinement; the masters were only to be fined. Considerable indignation, we are told, was manifested by the European class (labourers I suppose) likely to be affected; but it was explained that the measure was intended to affect *only Caffres*; legislation must be impartial—look impartial, that is; but it was trusted that the discretion of the magistrates would protect Europeans. One legislator in the course of the debate regretted that the farmers were not still allowed to shoot down all thieving niggers."

The same savage spirit is found in the United States. In constructing that wonderful railroad which completes the union of the Atlantic with the Pacific, the Red Indians inevitably resented the interference with their hunting grounds. The white men were intruders and enemies, deserving of scalping, torture, and outrage. To the whites, who knew that the

world would not stand still in order to leave undisturbed the relation of the Red Indian and the buffalo, the barbarous severities of the savages seemed fitly punished by treachery and massacre. One of the servants of the railway proposed in writing, that the troublesome tribes should be exterminated, or so reduced in numbers as to be rendered harmless.

"It is a singular thing," says a French author,⁽²⁵⁾ "that in this classical land of liberty, persons are not so scrupulous as we are in Europe: that violence, if it is found needful, is not repulsive, but is openly practised."

The writer apparently does not know that in the Atlantic cities, this unscrupulousness is condemned as strongly as it is in Europe. He goes on to state the ground of his hasty generalisation.

"I am of opinion," wrote the engineer Evans to Vice-President Durant, "that we must exterminate the Indians, or at least so far reduce the number as to make them harmless. To accomplish this we must war as savages do, and use means which lookers on will call barbarous. I am persuaded that in the long run this course will be the most charitable and the most humane."

Under the same circumstances, our theories and our sentiments might be much the same: but therefore the more necessary is a central controlling power, in the hands of men who have not been corrupted by the harsh struggles of life. New England, Pennsylvania, Washington, are the natural controllers of the United States: Great Britain is the natural controller of New Zealand and the Cape. Let the older states shut their eyes for a generation, and the Red Indians would cease to be: let Great Britain connive for a

generation, and the Maories would be annihilated, the Caffres driven away or enslaved.

This word enslaved introduces another question of the highest importance: whether slavery and the slave trade would not raise their heads again, if we abandoned our position as the arbiter between Europe and remote nations.

It is one of the glories of Great Britain that during the greater part of a century, a large philanthropic party struggled without intermission to put an end to the slave trade and to slavery itself. Sixty years ago the English slave trade ceased; and from that time we gradually induced other nations to forbid it. After we had attained this end, we made great sacrifices to support the police of the seas: we kept up a squadron on the West Coast of Africa, at a vast cost of men sacrificed to the pestilential climate; we encountered the hostility of other nations by enforcing the "right of search:" we bore the sneers of the world, who would not believe us disinterested, but steadily maintained that we were studying our own interests. At last the old slave trade has almost ceased, and under the new face which Cuba is assuming we may hope that it will cease altogether.

Slavery itself, now the United States have done with it, appears to be doomed. Cuba and the Brazils can hardly continue it against America and England.

Now if slavery were an unnatural condition, handed down to us from the middle ages, as a whimsical result of feudalism, we should perhaps hear no more

of it. But unfortunately it is the most natural of all conditions in early stages of social progress. Gibbon Wakefield pointed out why it is so: he showed that in the presence of illimitable land capable of cultivation, the great difficulty of colonists is to keep labourers continuously in their employment; and that therefore slavery came naturally in as a means of enabling capitalists to organize labour. A sugar planter at the critical season may find himself deserted by his hired men, who can easily earn a subsistence by cultivating a plot of land. Even the manufacturers in the northern states, we are told, lament that they are perpetually at the mercy of their men, who can always resort to that confounded land in the West.

There is always danger then in new colonies, of a reëstablishment of slavery, open or disguised. We find in fact, that it does make its appearance from time to time. I will give two examples.

The first occurred at the Cape, in the Transvaal Republic, which is not an English settlement. In June 1868, I meet with the following paragraphs.⁽²⁶⁾

"The *Cape Argus* says that the slave trade is carried on to a frightful extent in the Transvaal Republic, and that under the guise of the apprenticeship system, which *apprenticeship never ceases*. Many of the inhabitants of the Transvaal are opposed to these unlawful proceedings, and are anxious to place the country under British rule."

The subject came before the English House of Commons at the opening of our next Parliament.

"Mr. R. Fowler drew attention to the systematic enslavement of Kaffir children by the Boers of the Transvaal Republic; and Mr. Monsell, in regretfully admitting the truth of the statements, referred to Mr.

Chesson's able pamphlet on the subject, in which it was suggested that moral pressure would probably be sufficient to put a stop to the shameful traffic, and assured the House that the Government were willing to do all they could in that direction."

I sincerely hope that moral pressure may prove sufficient. But I am convinced that if we left our Cape settlements entirely to themselves, any moral pressure they could exercise, would be despised or resented by the Transvaal Republic. It is the recollection of the mother country in the background which gives force to such pressure: in the Reform Bill agitation of forty years ago, it was a common saying, that moral force was the shadow of physical force.

I fear indeed, that instead of pressing reform on the Transvaal Boers, the unscrupulous men among our colonists would be more likely to imitate them. In one of our Australian colonies, Queensland, something too like slavery has actually come into being of late.

So lately as May to August 1869, these passages appeared:

"The *Standard*⁽²⁷⁾ says that the slave trade, crushed in America, seems on the point of reviving in Australia, owing to the importation of Polynesian natives into Queensland, to work the sugar plantations there. This trade is carried on by ship captains, who are nominally 'emigration agents,' but in reality nothing better than open and atrocious kidnappers. Their practice is to touch at some island where the inhabitants are uncivilized, and cannot speak English, so that they cannot afterwards make known their wrongs; to decoy them on board under some pretence or other, and then, after driving or cajoling them below decks, to set sail at once. As many as 90 to 110 have been taken by one vessel in a voyage. In the latter instance 20 out of the 110 died before reaching land. These poor people are certainly sold in some way or other, for one captain declared openly that he had lost over £100 by

the escape of some islanders. Horrible cruelties are perpetrated, as may perhaps be supposed. Naturally enough, a sanguinary retaliation is feared. However, as the missionaries and colonial bishops, backed by an influential section of the colonists and by the greater part of the press, are vigorously stirring in the matter, it is to be hoped that before long either the scandal will be put down, or the serious attention of the Home Government may be drawn to it."

This also came before our House of Commons. I find on the 28th June, 1869:

"Mr. Taylor next drew attention to the importation of South Sea Islanders into Queensland, which he denounced as a regular slave trade, the natives being inveigled away or kidnapped by force. Mr. Monsell, admitting that there had been a revival of the slave trade in Samoa and Feejee, contended that the importation of labour into Queensland was placed under special regulations and restrictions for the protection of immigrants. He acknowledged, however, that the regulations were not sufficient; a serious omission was the examination of vessels by emigration agents. The subject had engaged the earnest attention of the Colonial Office, and strong injunctions had been sent to the Governor of Queensland to do all in his power to secure proper treatment for the immigrants. Mr. Kinnaird, Mr. R. N. Fowler, and Admiral Erskine, insisted that matters were much worse than the Under Secretary tried to make them appear, that immigrants were in fact regarded as slaves and subjected to very cruel usage by their masters. Mr. Adderley took the official side of the question, and deprecated any interference with the freedom of the labour market by a fallacious cry of slave trade."

If any reader doubts what the real nature of the trade is, let him turn to the *Daily News*⁽²⁸⁾ of 10th August and 10th December, 1869; and he will there find enough to remove his scepticism.

On the 25th of May 1869, Captain Howell of the *Young Australian*, was put on his trial, together with one of his crew, charged with the capital offence of murdering two natives, who found themselves on board his vessel, and violently resisted his authority. Captain

Howell, who was a humane man, if his witnesses are to be credited, regarded the armed resistance of the natives as a mutiny, and maintained his right to quell such mutiny by force: the prosecutor contended that the resisting natives could not have been guilty of mutiny because they were not legally subject to the captain's authority; and that their resistance was even perfectly lawful, as it took place in defence of their liberty, of which they had been violently deprived.

For the prosecution much native evidence was tendered, but it was objected to on the ground that the witnesses were not Christians, and not sufficiently instructed to understand the force of an oath.

"A baptised Polynesian, named Josiah, testified that he was in one of two boats, in which a company from the ship went to land on the island. As they were rowing towards the shore, three natives were seen in a canoe, and the order was given to cut them off. The natives, seeing they were pursued, jumped into the sea and made for the shore, but were all caught, taken on board the *Young Australian*, and sent down into the hold. No longer intimidated there by the firearms which had held them in check on board the ship's boats, they made a fight for their liberties, and were killed in the unequal struggle. This evidence was fully confirmed, and the counsel for the prisoners failed to upset it."

The captain and his man were found guilty of murder, but the jury strongly recommended them to mercy.⁽²⁹⁾

This is not the only known instance. The *Daily News*, in the same article, tells us that early in the year 1869, the schooner *Daphne* of Melbourne, entered the port of Levuka, Fiji, where fortunately she encountered H.M.S. *Rosario*, who overhauled her. On board the *Daphne* were found a hundred natives huddled together,

without anyone who understood their language. It was pretended that these naked savages had engaged themselves as emigrant labourers; but Captain Palmer of the *Rosario* seized the *Daphne* as a slaver, and set the natives free.

I am much disposed to believe what we are told: that these are not isolated cases, but that a practice has sprung up of setting sail on piratical adventures, and of carrying to certain colonies captured slaves called by the euphemistic name of emigrant labourers. Can we possibly make up our minds to abandon the task we have so long performed: or to render that task more difficult by letting go the hold we still possess on distant colonies? How deeply should we hereafter regret our pusillanimity, if after giving up our South Sea possessions, we should find some of them banded together against us to carry on a slave trade, such as that of Cuba, or formerly of Brazil!

As I have said before: the question is not whether all European nations should agree to abandon their present foreign possessions, and to abstain from farther annexations; it is whether Great Britain alone should adopt this course. Let us set aside Russia and the United States, the two giants which are constantly gathering up fragments of the eastern or western world. France itself is as greedy of distant provinces as we were in our heroic days. The following passage from the *Revue des deux Mondes*,⁽³⁰⁾ expresses what seems to me the prevailing sentiment of educated France.

"If it is easy for theorists to attack the colonial system by comparing the cost with the profit, men called to the head of a great nation, to whatever economical school they belong, are driven by irresistible pressure to commit those generous prodigalities which do honour to the youth of nations, and profit their maturity. Greece colonized Asia Minor, Sicily, and Italy; Rome annexed the world by manners as well as by arms; and England would now be a nation of the third order, if the intrepid Anglo-Saxon race which occupies two continents, had carried out the recent half-serious theory of isolation. The doctrine of everyone to himself and everyone for himself, is in radical contradiction to the genius of France, to whom expansion is a necessity. Numerous as have been her failures in colonization, her faith has fortunately survived her deceptions. It is with unanimous applause that the French Government has by a victory opened for us the gates of the Celestial Empire; and it justly reckoned on the approbation of all politicians when it planted the national flag between India and Japan at the mouth of one of the greatest watercourses of Upper Asia. The Frenchman who arrives from Europe, after having seen Perim and Malacca, touched at Aden, at Pointe de Galles, at Singapore, beholds with unspeakable joy the flag which waves at the summit of Cape St. Jacques, sheltering three millions of men, who are either our subjects or under our protection, whose rights, manners, and interests we have respected, while we have enlarged the horizon of all.

"I do not propose in this place to explain the condition of Cochin China, nor to point out its future, as it appears to everyone who knows the fertility of the country and the happy aptitudes of the natives. This task has been already accomplished: but our possessions have an addition in Cambogia, the importance of which is far less understood. The brilliant success of Admiral Rigault de Genouilly at Touranne, the happy inspiration which conducted him to Saigon, the decisive victory gained by Admiral Charner at Kihoa, all these exploits are henceforward consigned to our military annals, and are not its least glorious pages. But the world is generally ignorant of the way in which we acquired Cambogia, the necessary complement of a territory to the security of which it was necessary."

The periodical from which this passage is taken, represents the highest intellect of France, and may generally be taken as the exponent of the tone and sentiments of the ablest and wisest Frenchmen. Now the exultant spirit on the acquisition of this little

colony, the rant about glory on a victory over miserable Asiatics, must convince us that if we retire from the stage of colonization, our nearest neighbours will at once take our place.

I ask the friends of aborigines and the enemies of slavery, whether they can look with hope at the substitution of France for England as the great colonizing power. The French, you will say, are a kindhearted people: no doubt they are. They are flexible, and easily adapt themselves to new habits: so it is said, though their ill success in colonization suggests a doubt. However, let their kindness and flexibility be what you please, they have not had our long training in the philanthropy which protects the distant oppressed. We have done abroad many harsh and cruel things: but we have a party always ready to cry for retribution: a party strong in tradition, ready with the names of Clarkson and Wilberforce to conjure up a storm against evildoers: a party strong in the Society of Friends, and in the middle classes of society at large. Slavery and the Slave Trade, Oppression of Aborigines, are odious spectres we have fought for a century, in spite of European sneers and calumny: spectres we have vanquished and are ready to vanquish again. The French have yet to learn the lessons we know so well: shall we commit to their hands a task we can perform and they cannot?

Other nations share these French sentiments, and do not understand the scruples felt by Englishmen. We say that we are in possession of India: that we

much fear we had at first no right to be there: but that being there, the best thing we can now do is to govern the country in such a way as to promote the present wellbeing and future civilization of the natives. Show us that we fail in this task and we will retire. Continental public writers take a more peremptory tone: as for instance Mommsen in his *History of Rome*. An English critic,⁽³¹⁾ referring to Cæsar and his war in Gaul, says that it is one of Dr. Mommsen's many merits that he looks at those great events in the light of a higher philosophy. After boldly laying down *the right* of a State to absorb neighbours still in their nonage (which he illustrated by approving the British conquest of India), he goes on:

"The Roman aristocracy had accomplished the preliminary condition required for this task (of Cæsar's)—the union of Italy; the task itself it never solved, but always regarded the extra-Italian conquests either as simply a necessary evil, or as a fiscal possession virtually beyond the pale of the State. It is the imperishable glory of the Roman democracy or monarchy—for the two coincide—to have correctly apprehended and vigorously realized this its highest destination. . . . Though the subjugation of the West was for Cæsar so far a means to an end that he laid the foundations of his later height of power in the Transalpine wars, *it is the special privilege of the statesman of genius that his means themselves are ends in their turn.* . . . There was a direct political necessity for Rome to meet the perpetually threatened invasion of the Germans thus early beyond the Alps. . . . But even this important object was not the highest and ultimate reason for which Gaul was conquered by Cæsar. . . . The Italian homes had become too narrow. . . . It was a brilliant idea, a grand hope, which led Cæsar over the Alps—the idea and the confident expectation that he should gain there, for his fellow burgesses, a new boundless home, and regenerate the State a second time, by placing it on a broader basis."

Mommsen I believe, is of that German school which worships might, force, success; and bows down

before heroes. The doctrine set forth in the passage I have quoted is repugnant to the plain sense of justice of Englishmen, as it is no doubt to that of many Germans. We do not believe that Russia, Austria, and Prussia, had a right to partition Poland because its constitution was chaotic: nor that Austria would now have a right to seize Roumania because that new country is in its nonage: nor that Hungary could justly take Moldavia and Bosnia because they are vassals of the Crescent.

Let us beware of entrusting the high police of the world to those among whom such sentiments of international justice are tolerated. The French and the Germans have been distanced in the race of greatness: they are nationally greedy for empire: they mould their sentiments according to their desires. The English are satiated with success: their possessions are almost a trouble to them: they can afford to abstain from further increase, and can even desire a diminution. They have nothing to gain by injustice; their sentiments are unwarped by greed; they are the natural arbiters of the world. The task is one they must not shrink from, as they desire the well-being of the human race, and value their own continued greatness.

VI.

THE defence of existing institutions labours at present under a great disadvantage. We have lived in a period of change during half a century. A new liberal foreign and colonial policy was begun by Canning and his friends: the same party, under the inspiration of Huskisson, adopted the policy of free trade; which the war with France had prevented Pitt from carrying out, and which was to be completed by Sir R. Peel, long after Canning and Huskisson had disappeared. The test and corporation acts have been abolished: Roman Catholics have been admitted to Parliament and to high office: even the Jews have been received as brethren. The great manufacturing towns have got some share of representation: votes have been given to all classes: the ballot is on the point of being granted.

To young enthusiasts it seems that no wished for change need be despaired of: to old conservatives, who have been beaten in so many political campaigns, weariness and despondency have taken the place of hope: and they say that with sufficient popular agitation any absurdity may gain acceptance.

The Colonies are doomed, say the young men; they will go the way of test acts and protection: the colonies are doomed, say the hopeless conservatives; the young men are agitating against them.

It is well to recollect some particulars of our history which have slipped out of sight, and which may teach us that popular agitation, if frequently successful, frequently also fails.

First, as to *social* reforms. All of us concede that drunkenness among many, and excessive drinking among still more, are answerable for a great part of the vice, misery and poverty of the world: since the time of Father Matthew, the teetotallers have agitated incessantly and dogmatically for legislative interference; for Sunday closing of taverns, for altogether prohibiting the retailing of liquors, for permitting towns to forcibly close their taverns: they have not succeeded, and seem even to lose the ground which in America they had gained.

Then as to our *financial* policy. I am old enough to remember the flourishing days of Cobbett and Attwood: when the one applied all the popularity of his *Political Register* and all the resources of his vigorous English, to induce his countrymen to repudiate the National Debt: when the other wielded the Political Union half mad with the carrying of the Reform Bill, as an instrument for degrading the currency. The National Debt remains, and the currency has not been degraded: nay, no other national debt has so high a credit, no other currency is so jealously guarded.

Some *political* agitations have failed just as ignominiously. Among the Chartists of twenty to thirty years ago, there were certain demands to be absolutely

insisted on: two of the five points were Triennial Parliaments, and Payment of Members. The classes who constituted the Chartists are now intrusted with votes. Where is the cry for Triennial Parliaments and Payment of Members? Before the Crimean war, the Peace Society was an important body, and as if its clamour was not loud enough at home, sent a deputation to Russia, to mislead the Czar into the baseless opinion that England would not fight. Where is now the once popular Peace Society?

Teetotalism, repudiation of the National Debt, degradation of the currency, triennial parliaments, payment of members, abolition of war, have all been the subject of popular agitation, and none have been carried.

Let young enthusiasts moderate their ardour; let weary conservatives regain hope: we are not at the mercy of agitators: men cannot carry measures merely by the expenditure of a given quantity of talk and printing. Let the friends of the colonies at home take heart to oppose agitation to agitation: let the friends of the mother country abroad take heart, and be assured that no amount of breath and paper will make us willingly abdicate our greatness.

My own faith in my conclusions is far more likely to be disturbed, by the counter authority of two eminent thinkers, the one French, the other English. I wonder that among professors and publicists who have written against keeping the colonies, this support from authority has, so far as I know, been neglected.

The Frenchman was Turgot, the greatest of the Economists, the disciples of Quesnay and Gournay.

In 1776, early in the dispute between England and her American plantations, Turgot⁽³²⁾ was formally consulted as to the policy which France and Spain ought to adopt: whether they ought or not to interfere. He discussed the question in writing, and came to the conclusion that France and Spain ought not to interfere; no, not even if Great Britain was likely to be victorious. For, said he, if England should succeed in conquering and enslaving her colonies, her hands would be so full of the continual work necessary to hold them, that this would furnish the other great powers with the strongest guarantee against any further British enterprise.

Turgot took the opportunity of discussing the colonial system, and of showing, as Adam Smith did in his great work published the same year, how the principles of free trade condemned the system.

"Prudent and fortunate will be that nation which is the first to adapt its policy to recent circumstances; which consents to regard its colonies, not as subjects of the metropolis, but as allied provinces! Prudent and fortunate will be that nation which is the first convinced that all commercial policy consists in employing its soil in the manner most advantageous to the owners, its hands in the manner most advantageous to the labourers. . . . When the entire separation of America has forced the world to recognise this truth, and has corrected European commercial jealousies, there will be one great cause of war the less; and one cannot but desire an event so favourable to humanity."

The English writer to whom I have referred, is Jeremy Bentham; than whom perhaps, no modern writer

has done more to mould the legislation and policy of a great country. Bentham's "Emancipate your Colonies," addressed to the French National Convention, is well known. Elsewhere,⁽³³⁾ he takes the same tone.

"To confess the truth, I never could bring myself to see any real advantage derived by the mother country, from anything that ever bore the name of a *Colony*. It does not appear to me, that any instance ever did exist, in which any expense bestowed by government in the planting or conquering of a colony was really repaid. The goods produced by the inhabitants of such new colony cannot be had by the inhabitants of the mother country without being paid for: and from other countries, or the mother country itself, goods to equal value may, without any such additional expense, as that of founding, maintaining, and protecting a colony, be had upon the same terms."

Such are the two great authorities I have mentioned. As to Bentham, he merely refuted the protectionist doctrine by which the founding and maintaining colonies was defended. He neglected all other considerations; having his mind full at the time, of arguments to prove the superiority of his Panopticon gaol as compared with a penal settlement. Afterwards, when that longlived Panopticon incubus ceased to oppress him, other elements of the colonizing question presented themselves; and as Gibbon Wakefield tells us, Bentham recanted his early opinions, and was convinced that to found and maintain colonies might be beneficial.

Turgot's arguments again, are mostly directed against the doctrines of monopoly and protection. He would convert the colonies into allied provinces. If he had lived and retained his mental vigour till the present day, he would very likely have regarded as

allied provinces, colonies like Canada, Australia, and New Zealand; all enjoying state rights, but subject on matters of imperial interest, to the federal authority of the Imperial Parliament. No doubt also, his opinions as to the advantages of intimate alliance would have been greatly strengthened, by the invention and adoption of steamers, railroads, and electric telegraphs; which have made Quebec more accessible to Londoners than Belfast was a hundred years ago.

The proposal to strengthen the alliance between Great Britain and her dependencies, has lately received considerable attention. Happily, it is from the colonies that the cry for increased cordiality has come: if it had begun here, it might have been suspected of betraying a lust of predominance: if we had talked of an Imperial League, we might have provoked the establishment of a Colonial League.

The success of the proposal must depend mainly on the degree of attachment between the parent and the offspring. If there is real and deep affection on both sides, an intimate alliance will not be difficult. Now, I am quite certain that Great Britain is warmly attached to those who have carried her name, her language, her manners, and her greatness, through the world. If Canada left us, we should bid her God speed, but we should feel humiliated by the secession: the loss of Australia and New Zealand would be hard to bear: and if any chance should deprive us of India, we should feel that national mourning would be our fit condition: if all these possessions failed us, we

could only say as Adam Smith did on a similar occasion, that we must endeavour to accommodate our future views and designs to the real mediocrity of our circumstances.

Still, we have no heart to hold our colonies against their will: as soon as they are fit for independence, let them go if they desire to do so. Do they desire it? Do they wish to renounce their birthright?

At present, the evidence points to the opposite conclusion. Gibbon Wakefield wrote before we had made those wonderful concessions of independent legislatures, which have left the colonies nothing to desire as to self-government. He hated the Colonial Office, and was under a temptation to represent that its misconduct was exhausting the patience of the colonists, just as the blundering of a century ago did exhaust the patience of the Americans.⁽³⁴⁾ Yet Wakefield says:

"The peculiarity of Colonies is their attachment to the mother country. Without having lived in a colony—or at any rate, without having a really intimate acquaintance with colonies, which only a very few people in the mother country have or can have—it is difficult to conceive the intensity of colonial loyalty to the empire. In the colonies of England, at any rate, the feeling of love towards England, and of pride in belonging to her empire, is more than a sentiment; it is a sort of passion which all the colonists feel, except the Milesian-Irish emigrants. I have often been unable to help smiling at the exhibition of it. In what it originates I cannot say."

This was written a generation ago. But very lately, another observer, Sir George Grey, spoke in the same style.

"He said⁽³⁵⁾ he was unable to understand a policy which insisted on keeping Ireland bound to the empire against the will of the Irish,

while it said to New Zealand, We are willing to cut you off if you like to go. He had no hesitation in saying that throughout the British dominions there was an amount of respect for the Queen which no language could describe, and that to be severed from her rule would strike sorrow into all their hearts."

Some recent proceedings prove the truth of these assertions, and illustrate them strangely. I say nothing of the reception of Prince Arthur in Nova Scotia, because that might be only loud lip-loyalty. But the conduct of certain colonies on a graver occasion, has far more significance. In the spring of 1868, the Duke of Edinburgh, on a visit to Australia, was deliberately shot by a traitor. The angry excitement which followed, was astounding. Even New Zealand, on hearing of the act, broke into a fervour of loyalty.⁽³⁶⁾ The Sunday after the news arrived, the National Anthem was sung after morning service in every church and chapel of every denomination, and monster indignation meetings were held in all the towns to demonstrate their detestation of the outrage.

But New South Wales was frenzied. The London *Spectator*⁽³⁷⁾ made these comments.

"Within five days of the atrocious and cowardly attempt on Prince Alfred's life, the two Houses of Legislature passed in one night, through all its stages, a Bill which received the sanction provisionally equivalent to a Royal assent the next morning. That legislative act we can call by no other name than one of violent and alarming political delirium. . . . It provides that any one proposing a *peaceful and friendly separation* of these colonies from the British Crown, . . . shall be *guilty of felony*, and be liable to penal servitude for life, or for any term *not less than seven years*."

I cannot doubt then, the truth of the assertions made by Gibbon Wakefield and Sir George Grey: I

must believe that ardent and unflinching as is loyalty at home, distance of five or ten thousand miles adds enchantment to the sentiment.

With such ardent attachment on the part of the offspring, it will be strange indeed if a brutal ἀντι-στοργή⁽³⁸⁾ should move the mother country to thrust them out of her nest. On that point however, I have no fear.

What form our relations to the colonies will take, I do not presume to conjecture. At some recent meetings in London, the following propositions were proposed for discussion, and exhibit a reasonable view of the case as it now stands.

"1. That the colonies are a source of great commercial and social advantage to the parent country, and largely contribute to the influence and greatness of the empire.

2. That on the other hand, the rights of Imperial *citizenship*, Imperial *supervision*, *influence*, and *example*, and Imperial commerce and resources, promote all the best interests of the colonies; and that they, on their part, are not wanting in a loyal appreciation of their beneficial relationship.

3. That the practical independence of a representative and responsible local government, latterly conceded to each of the principal colonies alike at their own instance, and with the ready concurrence of the Imperial authorities, was most certainly never intended to weaken the connection with the parent State, but, on the contrary, to strengthen it by the increased loyalty and contentment arising from a more suitable political condition: and that in this respect this judicious policy has been attended with complete success.

4. That under this new system it is only equitable that these so self-governed colonies should defray entirely *their own* respective charges; provided always that claims and responsibilities, if any, attaching to the preceding régime be first satisfactorily disposed of; and that this financial independence, has in fact, with very few exceptions, which it may be hoped are only temporarily such, either been already completely attained, or is just on the eve of attainment."

There follow four other propositions, which are not of such general and permanent interest.

Unfortunately, the gentlemen who, with the best intentions, proposed and discussed these resolutions, were altogether without authority from the Colonists whom they seemed to represent. We have since learned that the report of their proceedings has caused much irritation in Australia: irritation, happily, not against the Government or people of Great Britain, but against the officious members of a self-constituted association.

As to the possibility of any strengthening of the ties between us, it would be rash to express an opinion. Portugal⁽³⁹⁾ admits to its parliament a deputy from India: Spain admits deputies from Cuba and Porto Rico. Should we gain anything by imitating this policy, and issuing writs to Canada, the West Indies, Australia, and India? The *Times* talks of a federal fleet and army. These proposals appear to imply questions of imperial taxation, our bugbear since the last century, when it cost us a colonial war ending in humiliation.

In this as in all legislation, we shall doubtless feel our way cautiously; groping in the dark, until some happy accident or wise induction furnishes a ray to guide us.

VII.

I HAVE now assigned the grounds of my opinions : opinions formed after many years' careful weighing of the reasoning and declamation of able and conscientious opponents : opinions as to the soundness of which, I am free from those doubts which often beset one on topics incapable of demonstration.

I know that I have with me the hearts of Great Britain, when I set the greatness of the country far above Chancellors' Budgets and Board of Trade Returns : I am certain that Englishmen and Scotchmen and many Irishmen, would account it an ignominious bargain, to give our foreign possessions in exchange for a saving of an annual million or two of taxes, or for an annual increase of a few millions in our commerce.

Epicurean apathy is not the vice of our islands : our ungenial climate, our vigorous constitutions, our athletic habits, our traditional Puritanism, make timid prudence repugnant to us. Priests and scholars may preach up the virtues of quietude and asceticism : when there comes a time for action, priests and scholars preach in vain : let the pulpit and the college talk on ; we will act.

Modern refinement has not made sybarites of us. We have indeed abandoned our aggressive spirit : we are slow to enter into a quarrel, but being in, we warn

our enemies to beware of us : we will rob no country of its patrimony, but that must be an audacious people which dares to lay a finger on ours.

Having this engrained hardihood of character, is it conceivable that after the toilsome struggle of centuries, we should spontaneously abandon our empire, narrow our boundaries, and confine ourselves within the little islands in which we live? We see the Eastern and Western Giants growing daily; and proving that by the help of steam and electricity, a head may guide a body a hundred times as great as could formerly be controlled: is this the time for us to retire into ourselves, and to provoke the amazement, the pity, and the derision of Europe?

We are not so degenerate as to be indifferent to the extension of our race, of our language, of our manners. Modern Aryans, issuing, not from the depths of Asia, but from the western verge of Europe, we see our destiny to peacefully transform the world: to people two continents; and perhaps to rescue a third from castes, from idols, from degrading and blood-stained superstitions.

Responsibilities follow: struggles with difficulties; dangers to be confronted; anxieties to be borne. So much the better: it is only by incurring responsibilities, by struggling with difficulties, by confronting dangers, by bearing anxieties, that men and nations continue great: if like cowards we recoil from these, we shrink into insignificance.

History indeed, has taught us a valuable lesson.

Our fathers vainly put out all their force to crush their rebellious colonists, whom they had teased into insurrection. We say to their neighbours, the Canadians and Nova Scotians and islanders of their coasts : form yourselves into a great Dominion ; and then, if you desire independence, take it ; if you prefer annexation to the United States, have it : if you do not value your birthright, if you are tired of being Englishmen, if you long for the stir and corruption of Presidential elections, if you expect more ready and certain justice from judges appointed by the people, have your will, we will not coerce you.

We let the Ionian Islands go : I hope we shall do the same with Gibraltar, if after mature deliberation we can see sufficient cause. The matter concerns, not us alone, but all the maritime powers. To us it is a matter of patriotic pride, as well as of naval security : to them, of naval security alone. Let us have an inquiry in the face of Europe, and invite witnesses of all nations. It might turn out that just as Europe intrusted the Ionian Islands to us, as the nation least likely to abuse the charge, so certain countries, I will not say France, but Russia, Austria, Prussia, the United States, might rather see the key of the Mediterranean in our keeping, than in that of Spain, which might lose it in the first struggle. I earnestly wish that we may find ourselves able without injustice to hold that rock : the trophy of former victorious endurance ; a memorable example to us and our children. As to the suggestion of our abandoning it lest it should

be taken from us, the adviser of such pusillanimity should be hooted down.

I have said that if a national saving of a few millions, and an important extension of commerce, were set together on one side, and the maintenance of our greatness were set on the other, the people would not hesitate to prefer the national greatness; just as the people had no hesitation in spending a hundred millions and paying an oppressive income-tax, rather than see our military reputation tarnished in the Crimea. But to me it seems demonstrable that little permanent expenditure is required; since the colonies acknowledge that, except in a few trifling and temporary cases, they are bound to pay all their own expenses. But I go much further: I maintain that our foreign possessions are of great pecuniary advantage to us; in extending our commerce, in promoting our emigration, in supplying us with a field for the employment of our many educated men otherwise condemned to idleness. I am convinced that to abandon New Zealand, Australia, India, would impoverish us greatly.

The colonists themselves do not wish to leave us. I have shown how, formerly, Gibbon Wakefield witnessing their overpassionate and inexplicable attachment to the mother country, had often to suppress a smile. Since that experience, an end has been put to the old grievances inflicted by the Colonial Office; to the formalities and delays and whims which exasperated our distant fellow-subjects: all possible independence has been conferred: gratitude has taken the place of irrita-

tion: even to propose a separation was hastily made in one colony, a highly penal offence.

Most persons agree that we cannot cut the tie between us without the consent of both parties. It would indeed, be cruelly inconsiderate to take from our best friends without their consent, the benefits of the present organization: to refuse to supply them with a Doge; to leave them to elect their judges by universal suffrage, or to appoint as gaol warders the coarse and unprincipled partizans of the winning party. So long as they continue Englishmen, they will retain their noble loyalty to a distant island, and their elevating pride in sharing the historical renown of a great country: they will desire to add the gentleness and refinement of an old civilization, to the stir and enterprise of a new society. If we cast them off, there may prevail unchecked the coarse vices of small and new republics: the rude dialect, the slovenly administration, the bowieknife and revolver, the vigilance committee, and Lynch law.

As to India, we stand in the place of the Great Mogul: but with higher aims, authority more undisputed, a better organization. We are conquerors; but India has always been a prey to conquerors. We displaced the successors of Aurungzebe: we overturned the throne of Hyder Ali and Tippoo Saib: we overthrew the vast hosts of Holkar and Scindiah: we conquered the conquerors. According to the candid testimony of Frenchmen, our rule is a blessing to the people; and if we err, it is not through a lust of

annexation, but in still leaving a single native prince to reign and misgovern.

If we give up India to the Indians, there follows the anarchy of the last century: daring freebooters rising to be princes; hill tribes annually desolating the plains: the Mahometans forcing on the Hindoos, conversion, tribute, or the sword. Europe has long resounded with the groans of Asiatic Christians oppressed by the Turks: our retirement from India would be followed by the groans of Hindoos oppressed by the Moslem.

Once more: are we ready to abandon our honourable and long continued crusade against slavery and oppression? Shall we leave the Cape Europeans to shoot down the Caffres? the Jamaica whites to hang, draw, and quarter the men of colour? the Hindoos and Mahometans to join in grinding down the Santals? the Boers to enslave their neighbours? the Queensland planters to cajole, kidnap, and murder the Polynesians?

If we have arrived at that stage in our national life, when we prefer repose to greatness, quiet enjoyment to noble duties: if we have fallen into Epicurean apathy, not through the pressure of foreign rule or domestic anarchy, but through the weariness and satiety of success: then we shall find that the "canker of a long peace" has been our ruin: and we may earnestly pray for another Louis XIV, or another Napoleon I, to alarm and harass us into activity and health.

But if, as I believe, we are not so corrupted: if the nation is henceforth to be guided by men brought

up to labour and endurance, and not by loungers and carpet knights : if a generous sympathy with the weak is to be the mainspring of our foreign policy: if while we covet nothing for ourselves, we insist that no high handed injustice shall be committed by others : if we are resolved to apply our maritime predominance to prevent the ruffians and pirates of the world from oppressing and enslaving their neighbours: then we shall certainly rally to the cry, Hold fast your Colonies.

WILLIAM LUCAS SARGANT.

NOTES.

- (1) *Revue des deux Mondes*, 64, 678.
- (2) M. Martha, *Lucrèce*, 8.
- (3) *Rev. d. d. Mondes*, 82, 216.
- (4) *Ib.*, 84, 71.
- (5) *Statistical Journal*, 32, 294.
- (6) Merivale, *Colonization*, 248: and *Stat. Jour.*, 32, 297.
- (7) *Pall Mall Gazette*, Jan. 19, 1867, 5.
- (8) *Ib.*, Aug. 24, 6.
- (9) The Orange River Territory was assumed by us in 1848, and abandoned in 1854. See Forsyth, *Cases and Opinions*, 1869, p. 185.
- (10) *International Policy*, pp. 23 & 212 *note*. Grant Duff, *Studies in European Politics*, 1866, 57.
- (11) Earl Grey on Colonies, 2, 180.
- (12) *Pall M. Gaz.*, 15 Dec., 1868, 12.
- (13) *Rev. d. d. Mondes*, 70, 684-5.
- (14) *Edin. Rev.*, July, 1869, 72.
- (15) *Rev. d. d. Mondes*, 70, 674.
- (16) *Ib.*, 74, 940.
- (17) *Pall M. Gaz.*, 12 Dec., 1868, 10.
- (18) *Rev. d. d. Mondes*, 80, 1066.
- (19) *Pall M. Gaz.*, 29 July, 1869, 4.
- (20) Earl Grey, 1, 14.
- (21) *Pall M. Gaz.*, 2 Sept., 1868, 1.
- (22) *Economist*, 1153, p. 1173.
- (23) *Pall M. Gaz.*, 24 May, 1869, 1.
- (24) *Ib.*, 21 Aug., 1869, 6.
- (25) *Rev. d. d. Mondes*, 84, 35.
- (26) *Pall M. Gaz.*, 26 June, 1868, 6: 20 Feb., 1869, 2.
- (27) *Ib.*, 14 Dec., 1868, 2-3: 20 May, 1869, 3: 29 June, 1869, 2.
- (28) *Daily News*, 10 Aug. and 10 Dec., 1869.
- (29) Compare the case, in 1845, of the Spanish pirates in the *Felicidade*: *Irving Annals*, 82 and 88.
- (30) *Rev. d. d. Mondes*, 79, 852.
- (31) *Pall M. Gaz.*, 30 Jan., 1867, 10.
- (32) Turgot, *Ed.* 1844, II, 551, 556, 563.
- (33) Bentham's *Works*, Parts 4, 408: 3, 206: *Index*, 21, lxi.
- (34) *Edin. Rev.* 93, 493.
- (35) *Pall M. Gaz.*, 2 Dec., 1869, 8.
- (36) *Ib.*, 28 May, 1868, 6.
- (37) *Spectator*, 23 May, 1868, 609.
- (38) Gilbert White's *Natural History of Selborne*, *Ed.* 1845, 216.
- (39) *Journal des Économ.*, Aug. 1867, 279.

ESSAY II.

ON THE RELATION OF THE UNIVERSITIES TO PRACTICAL LIFE.

A FEW months ago I was sitting at table with a gentleman who had risen to great eminence in his profession, when our conversation turned upon the value of a University education for professional men. My companion, happily unconscious of the antecedents of his acquaintance, exclaimed fiercely, "Send a young man to College! ruin him for life, Sir; he comes home again, ignorant, conceited, idle; never will go through the drudgery of learning a business—never, Sir, never. Take a lad away from school early; set him to work; make a useful member of society of him." This language, admirably characteristic of the real British bagman, expressed with great terseness and vivacity a sentiment which I hear from one quarter or another

every day of my life. In fact, at a time when the Universities are striving to sweep away every barrier which hinders them from being really national institutions, when they are putting forth every effort to raise the tone of national education, and to attract within their walls the rising generation of the great middle class, few questions are more warmly debated in that class, none more vehemently disputed, than the advantage of a University training as an introduction to practical life. And although much of the language that one hears proceeds from an inability to recognize any utility in a study unless it can be made directly available for mere business purposes; nevertheless, as it seldom happens that a widely prevalent impression is altogether destitute of truth, there may be something in the objections that are urged that it will not be politic for the Universities to ignore. I propose, therefore, in the present essay to consider some of these objections, and to inquire in what manner they can best be met; and I think the question may be very fitly discussed by a member of a laborious profession, who, indebted to his University for the best part of whatever intellectual culture he may possess, has not found that culture at all interfere with the actual business of life, but has derived from it, in a thousand ways, advantages he can never too gratefully acknowledge.

It may be admitted at the outset that if a young man is sent to college for the purpose of associating with companions of good family, agreeable manners,

and no need for work, he will find the University a charming place of residence, and every opportunity afforded him for the gratification of his tastes; and when his term of study is completed and he is ready to enter upon life, he will return possessed of many mental and bodily accomplishments, and very little predisposed to the irksome details of a business or profession. Many men go to college for this very training; many others, sent with a widely different object, bring back nothing else, and after having consumed a large sum of money and the most precious years of their life, return less adequately equipped for the struggle that lies before them than if they had remained away. The evil of this is so great, and its effect in deterring parents from venturing upon the hazardous experiment of sending their sons to college so considerable, that one is tempted to inquire how long it will be before the Universities take some stringent measures to diminish the number of those ornamental members whose example is so attractive to the rest. The remedy is a simple one, and merely consists in exacting from every candidate for admission a much larger amount of previous knowledge than is now required.

“But,” says one of the more intelligent of my professional friends, “suppose I am willing to run this risk; suppose I have full confidence that my son would throw himself heartily into the studies of the place, what knowledge will he have acquired. when he comes back to me, to counterbalance the immense

disadvantage of not having been put early to work? If I take an apprentice with a view of making him a first rate man of business, I must have him at sixteen, with his mind still plastic, subject to no intellectual influences that might render his occupation distasteful, prepared to devote the next five years of his life to the drudgery of mastering a quantity of minute and irksome details, possibly to acquiring considerable manipulative dexterity, and at twenty-one he will begin to earn his bread. I grant you that he will probably be a bore in society, and incapable of exerting the smallest influence for good on the intellectual culture of mankind, but in this age of competition look at the start he has got in the great race of life! Now reverse the picture: he is destined for college; he remains at school till he is eighteen, perhaps nineteen; he comes into the office or counting house at twenty-one or twenty-two, far less able than at an earlier age to learn the details of his business; and, notwithstanding the sums that have been lavished on his education, before he can begin to earn money, he is already a middle-aged man. I am willing to forego much of the advantage of an early start in business that my son may become a well educated man: I cannot forego all. What part of the knowledge that he gets at the University will he find directly available for the practical purposes of life?"

It may be urged, in answer to this language and much of a like sort, that it is very hard that a youth,

simply because he is destined for business, should be debarred from the advantage of the best education that can be got; that professional success, much as it is to be desired, is not the be-all and the end-all of our existence; and that if to gain it is incompatible with the proper cultivation and development of the nobler faculties of our nature, it will be purchased at a fearful cost. It may be urged further that all the higher forms of intellectual culture, apart from their intrinsic value, are of great use as mental gymnastics, and create habits of mind which enable their possessor to grapple successfully with the more complicated problems of actual life. But I have never found that considerations of this description have much effect upon the persons to whom they are addressed. The necessity for worldly success is far too vividly present to their minds to allow of any other object being weighed in the scale against it; and finding the mental power they have acquired by a practical training sufficient for all ordinary purposes, they set very little store upon studies that would increase it.

If the Universities are to obtain any real hold upon the middle classes, and to raise the low state of mental culture that now prevails among them, they must carry the argument a step further than this, and establish the direct practical utility of some, at least, of the subjects of study which they offer to those engaged in manufacturing and professional pursuits. The object of most of these pursuits is to bring into the service of man the various material substances by which he is

surrounded, and to render them subservient to the civilization of the human race; and, in its fulfilment, a knowledge of the nature and properties of those substances, and of the laws which govern them, is an indispensable condition of success.

Both of the old Universities aim at imparting knowledge of this description: in one of them, the study of natural philosophy, the investigation of the laws that regulate the material universe, is that with which its most famous traditions are connected. It is of Cambridge alone that I have any right to speak. I propose to consider whether the study of natural philosophy, as now pursued in that University, is made as available as it might be for the practical purposes of life, and if not, in what way the method of teaching it may be improved. It is far from my intention to set up utility as the test of worth, for "the contemplation of truth is a thing worthier and loftier than all utility and magnitude of works."* If, however, we can increase the usefulness of a study without diminishing its scientific value or its excellence as a means of mental training, there will be something gained; and if we do nothing else, we shall at least make it more attractive to the majority of mankind. Still less is it my wish to say one word in disparagement of mathematics, as the right foundation of physical science, "the great instrument," as Sir John Herschel terms them, "of all exact inquiry," without a knowledge of which no one is en-

* *Nov. Org.*, Bk. I., Aph. cxxiv.

titled to form an independent opinion on any subject of discussion within their range." *

The science of mathematics, as most persons know, is divided into two branches — pure mathematics, which deal with the fundamental intuitions of time and space; and mixed or applied mathematics, in which the first branch of the science is made use of for the explanation of the natural phenomena learnt by experiment upon such material objects as lie within our reach, and by observation of those that are beyond it. In the region of applied mathematics, celestial and terrestrial mechanics occupy the foremost place, and are characterised by a scientific method, not only highly important in itself, but as a model for the study of most other branches of natural philosophy. The method in question finds its most perfect development in celestial mechanics, and it is as exemplified in that department of science that I am about to explain it.

The path which each member of the solar system describes about its primary is determined not only by the attraction of the primary but by that of all the other members of the system of which it forms a part. If we consider only three attracting bodies, the problem in its full generality is so complex that all the resources of mathematical analysis are powerless to solve it. To obtain a solution we have recourse to the expedient of ignoring all the forces which act upon the body except the most powerful one, and calculating

* *Outlines of Astronomy*, Intn.

what its path would be if influenced only by that. By means of observations conducted with instruments upon the construction of which the most subtle resources of mechanical and optical art have been expended, we ascertain how far the result of our first calculation diverges from actual fact, and treat this divergence as a residuum to be accounted for by the other causes involved. We next inquire to what extent the phenomenon due to the first cause we have considered would be affected by each of the others. If the disturbing forces are small compared with the principal one, we can obtain an approximate solution which can be carried to any degree of accuracy required; and we so proceed, step by step, diminishing the unexplained residuum at each operation; the solution of the problem not being deemed complete until theory and fact exactly tally with each other.

To the complexity arising from the planetary perturbations in celestial mechanics the difficulty due to the molecular properties of matter offers a striking analogy in terrestrial. In order to obtain a first approximation to the relation between theory and fact in this branch of mechanical science, we are obliged to make one or the other of two startling assumptions respecting those properties, and to reason as if all matter were either perfectly rigid or perfectly fluid. As all matter with which we are acquainted is neither the one nor the other, but deviates more or less widely from the two extremes, the results of theory cannot fail to exhibit a corresponding deviation from those of

experience. To determine the amount of deviation in any particular case is the province of experiment, to account for it is the province of the mathematical principles of molecular physics. It is at this point, as it seems to me, that the University fails to satisfy the legitimate requirements of the time. I never heard of any experiments on the molecular constitution of bodies being carried on within its walls, or of a knowledge of the results of such experiments being expected from a candidate for mathematical honours. The science of mechanics is made to consist of a number of curious intellectual puzzles explanatory of the phenomena of a wholly imaginary world, rather than of that which we see and feel and handle. The defect is the more remarkable from the opposite course pursued with astronomy, which, notwithstanding its magnificent interest as a speculative science, is of little practical utility except in the art of navigation. With the problems of terrestrial mechanics, on the other hand, every man must have more or less to do every day of his life. For one who wants to determine the right ascension of a star, there are scores who have to build or alter houses, or put up machinery, or engage in operations demanding a knowledge of the laws of flowing water. One man thinks that his architect has put an unnecessary quantity of timber into his stable roof, another wants to know the probable effect of cutting away a pillar in a mine, a third to be told how much water per diem is running over a weir; and one hears it said, send for young So-and-So,

he has been at Cambridge, he knows all about that sort of thing. Young So-and-So, greatly flattered, arrives upon the scene with his mathematics, and soon feels very like a fish out of water, and extremely foolish in the presence of his practical friends.

But, say the advocates of the present state of things, the function of a University is to teach general, not particular knowledge. We do not pretend to educate for professions; if a man wants to learn a business, he must be bound apprentice to it; if people require the sort of information you have been describing, they must go to experts for it. This objection, as it seems to me, does not come with a very good grace from those who exact, without scruple, a knowledge of the use of astronomical instruments well fitted to qualify its possessors for the post of assistant in Greenwich Observatory, and for little else. And it may be rejoined, we are not asking you to give professional education; we want you to offer a scientific culture wide enough to enable every one to assimilate something which he will find of use, let him be subsequently placed in whatever circumstances he may. Experts, as a class, rely on the rule of thumb, rather than on that of right reason, and I have known many of them capable of giving very little assistance in a difficult case. It is precisely that we may have better educated experts that we ask you to provide for them a scientific training which they can turn to account.

No time can be more opportune than the present for improving the Cambridge method of teaching

natural philosophy. Within the last five-and-twenty years pure mathematics have received, in some of their higher departments, extensions so enormous as to make it hopeless for any student, in the three short years of his University life, to cover the whole of both divisions of the science—pure and applied. The necessity for offering him alternative subjects of study is beginning to be admitted by all. Let terrestrial physics, not omitting the theory and application of structures and machines, occupy a prominent place, as one of those subjects, and let the conclusions of theory be brought to the bar of experiment before the eyes of the student. The method of instruction will thus be rendered at once practically useful and philosophically complete.

The importance of ocular demonstration cannot be too strongly insisted on. No part of our present system is so essentially vicious as the practice of encouraging pupils to get up their knowledge of machines and instruments merely from diagrams, their knowledge of experiments merely from descriptions in books. What is learned in this way is not retained many weeks in the memory, and carries with it but little advantage into after life. And yet there are many men who pass through the University every year and are taught all about pulleys, and sextants, and theodolites, and hydrometers, and hydraulic rams, and scores of things of a similar kind, without the opportunity of handling one of them, or of seeing it at work.

I claim, then, at the hands of my University on behalf of the practical world, a larger recognition of the value of experiment as the proper and necessary complement of applied mathematics. But it must not stop here. The practical world requires for the purposes of life great manipulative skill and knowledge of the properties of things; the Universities must promote the cultivation of experimental science both for its own sake and as a highly important instrument of intellectual training. "The great and indeed the only ultimate source of our knowledge of nature and its laws," says Sir John Herschel, in his admirable Discourse on the Study of Natural Philosophy, "is *Experience*. Experience may be acquired in two ways: either, first, by noticing facts as they occur, without any attempt to influence the frequency of their occurrence, or to vary the circumstances under which they occur; this is *Observation*: or, secondly, by putting in action causes and agents over which we have control, and purposely varying their combinations, and noticing what effects take place; this is *Experiment*." How potent a means of discovery experiment is, is forcibly pointed out by the same writer. How, when we employ observation, "we sit still and listen to a tale told us perhaps obscurely, piecemeal, and at long intervals of time, with our attention more or less awake." How "by experiment we cross-examine our witness, and by comparing one part of his evidence with the other, while he is yet before us, and reasoning upon it in his presence, we are enabled to put pointed and searching

questions, the answer to which may at once enable us to make up our minds." How, "in those departments of physics the phenomena of which are beyond our control, or into which experimental inquiry from other causes has not been carried, the progress of knowledge has been slow, uncertain, and irregular, while in such as admit of experiment, and in which mankind have agreed to its adoption, it has been rapid, sure, and steady." Powerful as experiment is as an instrument of discovery, the habits of mind which it engenders are scarcely less deserving of attention. Diligence in searching after facts, patience in collecting them, even to the minutest detail, scrupulous accuracy in recording them, skill in framing the questions with which we interrogate nature, judgment in selecting the answers pertinent to our inquiry, promptitude in recognising the true significance of the answers we select, all these mental qualities are demanded from the student of experimental science. They are no less necessary to the successful man of business, and the student who has acquired them is already well furnished for the struggle of life.

There can be no adequate reason why Cambridge should not possess the first school of experimental science in Europe—to what can it be owing that this great branch of research should be all but banished to London and Manchester? I fear the answer is that the men of theory, excepting the few whose sympathies are wider and more generous than the rest, look down with contempt upon the men of

experiment, and are responsible to some extent for producing in those they train a tone of mind which impairs their usefulness in after life. The men of experiment are amply revenged. All the great scientific discoveries of the last twenty years have been made in the domain of physical science, and no one jealous for the honour of the ancient Universities can reflect without pain upon the small part which they have played in them. And if the men of theory despise the experimentalists, the latter, on their side, are at no pains to conceal the contempt they entertain for the theorists. And so the two great weapons of discovery—Theory and Experiment—instead of being wielded by the same hand, are becoming every day more widely separated from each other, and the progress of knowledge is greatly retarded thereby. If a training in experiment be necessary to the theorist, a sound theoretical culture is no less necessary to the experimentalist; and how few there are who possess it! Is it too much to hope that the two capacities may sometimes be developed together? To such a union we shall one day owe a rational theory of electricity. Had Faraday only been as great a mathematician as he was an accomplished experimentalist, he would have been the Newton as well as the Kepler of his science.

“Those who have handled science,” says Bacon, “have been either men of experiment or men of dogmas. The men of experiment are like the ant, they only collect and use; the reasoners resemble spiders

who make cobwebs out of their own substance. But the bee takes a middle course; it gathers its material from the flowers of the garden and the field, but transforms and digests it by a power of its own. Not unlike this is the true business of philosophy, for it neither relies solely or chiefly on the powers of the mind, nor does it take the matter which it gathers from natural history and mechanical experiments, and lay it up in the memory whole as it finds it, but it lays it up in the understanding altered and digested. Therefore from a closer and purer league between these two faculties (such as has never yet been made) much may be hoped." * It is strange that in the very place where the illustrious founder of inductive philosophy received his academic training we lay this aphorism so little to heart.

Another reason for according to experimental science that position in the studies of the University which ought rightly to belong to it must not be left out of sight. The necessity for scientific instruction in our public schools is admitted on all hands, and is being urged in language which it is impossible to resist. The pupils are willing and eager to learn, but the teachers are not forthcoming. Special subjects are always best taught by men of wide general culture, and academically trained professors of experimental science would be preferred to others, if only it were possible to get them. School managers call upon the

* *Nov. Org.*, Bk. I., Aph. xov.

Universities to send them teachers who possess not only competent scientific knowledge, but the manipulative dexterity necessary to impart it. They offer a handsome salary for the office they wish to be filled, but the only applications they receive are from men who express their willingness, in case of election, to acquire a knowledge of the subjects they are called upon to teach. If, on the other hand, a mathematical mastership be vacant, it is impossible to see without astonishment the number and distinction of the candidates whom the smallest salary is certain to attract, and to avoid thinking how much better it would be for the nation if a larger part of the intellectual energy which the Universities produce were devoted to the cultivation of practical science.

The criticisms I have ventured to make on the Cambridge method of study are derived from a University experience acquired nearly twenty years ago. I am not unaware what great exertions have since been made to remedy the defects to which I have alluded, and what beneficial results those exertions have produced. The fact that in 1869 the two highest of the successful competitors for the Whitworth scholarships were Cambridge men, is a gratifying proof that the University has made no little progress in the right direction; my object in writing is to give to the movement every impulse that I can. What is wanted is not only to create new means of study, but to stimulate into increased activity those at present existing. The professorship of Natural Philosophy,

so long associated with the distinguished name of Professor Willis, should be brought into harmonious working with the Mathematical Tripos, and the professorial teaching made to tell in the examination. The Natural Science Tripos established in 1851 was an earnest effort on the part of the University to promote the study of the sciences of experiment and observation, and although it has produced some good effect, it has met with far less success than might fairly have been expected from it. As long as it was not permitted to confer a passport to a degree, and was practically ignored by the colleges, its failure was not surprising. Since the removal of the former restriction in 1861, it has exhibited new vitality, and when the colleges are sufficiently liberal to recognize excellence in the natural sciences as no less deserving of reward than excellence in the older academical studies, these sciences will take that place in the University to which they are justly entitled. Above all things, the great branch of modern research known as Experimental Physics should be intrusted to a special professor. Honoured sons of the University who have won brilliant distinctions in other fields of labour are ready and anxious to fill the post. It cannot be said that the University has no funds for such a purpose. The wealth of the colleges is the measure of its power in this respect, and the *res angusta domi* is the last plea that can be entertained. And as one passes among the colleges, and beholds with amazement the costly material structures that have recently been added to

them, it is impossible to repress the wish that the great temple of learning which is there erected may receive an addition no less magnificent, and that it may be the glory of the University, in experimental science, as in all other departments of human inquiry, "to lay more firmly the foundations and extend more widely the limits of the power and greatness of man." *

WM. MATHEWS, JUN.

* *Nov. Org.*, Bk. I., Aph. cxvi.

ESSAY III.

SOME THOUGHTS ON PAUPERISM.

FORTY years ago pauperism in England had grown to a height which seriously threatened the stability of the country. In the towns very many of the inhabitants were supported by the rates, while over a large proportion of the rural districts, the labourers and their families had mostly become paupers, being maintained by the parish, which hired them out to the farmers. In some parishes, indeed, land went entirely out of cultivation; for no one could afford to occupy it while paying the enormous poor's-rates levied; and in other districts a similar state of things appeared imminent.

Under such circumstances the Amendment Act of 1834 was passed, which, whatever may be thought of some of its provisions, effected a great diminution in the burden of pauperism.

Since 1834 great social improvements have been

made. Our system of railways has been created, penny postage and electric telegraphs introduced, machinery greatly improved and extended, free trade established, and vast reduction effected in the departments of taxation pressing upon manufactures and commerce, which have increased in an enormous ratio. Education also, though far from being either so generally spread or so good in quality as the public needs require, has made great progress; and, though there is still much room for improvement, important portions of the working classes have sensibly advanced in temperance and providence. Wages, notwithstanding some fluctuations, have risen in most employments throughout the country; and the institution of the Money Order system, the wide extension of Savings Banks under the auspices of the Post Office, and the establishment of Building Societies and Coöperative Associations have afforded great facilities for turning the improved earnings to account.

From all these considerations it might have been expected that pauperism, relatively to population, would have progressively lessened; yet, since the great diminution which followed the change of system occasioned by the Act of 1834, this has been by no means the case; and of late years, unhappily, there has been in the metropolitan district a growing increase,* while in the country generally no decrease has taken place.

* It appears by the last Annual Report of the Poor Law Board that in 1834 the expenditure on the maintenance of the poor alone (excluding the establishment charges) of England and Wales was £26,317,255, which, upon a

This non-diminution of pauperism, in spite of so many enlightened measures of public improvement, is one of the most unfavourable signs of our time, and it behoves us to inquire carefully into its causes.

From the fact of the non-decrease of pauperism it must be inferred that there are causes at work which counteract the effect of the potent means of improvement enumerated. Some of these causes are undoubtedly unconnected with the administration of the Poor Laws. Drunkenness, ignorance, improvidence, and vice are great sources of pauperism; but they are not more—probably less—powerful than in former times. One evil, however, seems to have recently much grown, namely, the interference with industrial work by trades unions, frequently causing strikes which impoverish large bodies of men, women, and children; and even when strikes do not result, the vexatious regulations enforced on workmen by unions and the excessive wages screwed out of masters who have sunk their capital in undertakings or have placed themselves under contracts, have ruined many employers and driven trades out of the country. To this cause may

population of 14,372,000, amounted to 8s. 9½d. per head on the whole population, while in 1868 £7,498,061 was spent on this object, showing upon a total population of 21,540,000, a burden of 6s. 11½d. per head. In 1835 the burden was 7s. 7d. per head, being the heaviest since 1834. During the period which elapsed between 1835 and 1868 the burden per head of the population fluctuated between a maximum of 7s. 1½d. (in 1848) and a minimum of 5s. 5d. (in 1837). In the quinquennial periods from 1836 to 1865 the average annual burden per head on the whole population has been respectively 1836-40, 5s. 9½d.; 1841-5, 6s. 1½d.; 1846-50, 6s. 4½d.; 1851-5, 5s. 7½d.; 1856-60, 5s. 11½d.; 1860-65, 6s. 0½d.; and in the three years 1866-8, 6s. 6½d. For four years past the proportionate expenditure has been increasing.

be in great measure attributed the destitution with which the eastern districts of the metropolis have been recently afflicted.

Another cause of pauperism, which has probably produced a considerable effect, is the increase of the criminal class during the last twenty or thirty years, due partly to the abolition of transportation without the establishment of an efficient substitute, and partly to the practice which has grown up of sentencing serious offenders to short terms of imprisonment, on the expiration of which they are turned loose to recommence their depredations on the public and train others to their nefarious calling. Thus, many families are corrupted and ruined, and their weaker members thrown on the poor's-rate for support.

Making, however, full allowance for the effects of the foregoing causes of pauperism, there remains a large proportion of the evil to be attributed to defects in our Poor Law system.

Our pauper population (whether relieved in the workhouse or out of doors) may be divided into three classes.

1st.—The infirm, whether from age or sickness.

2nd.—Children.

3rd.—Able-bodied adults.

The mode of dealing with the first class has much less bearing upon the increase or diminution of pauperism than the treatment of the other classes. Still, a bad infirmary—such as was recently proved to exist in many London workhouses, which, instead of curing

its inmates rapidly, and thus enabling them to set to work again, keeps them long sick, and perhaps converts them into permanent invalids—must tend to increase the burden on the parish. On the other hand, lavish allowances to the sick and aged encourage malingering and diminish the disposition to lay by for a rainy day.

The training of children has a most important bearing upon the future burden of pauperism; and herein is our system specially faulty. The children relieved within doors will form two divisions: 1st—Those belonging to the adult paupers, who remain in the workhouse schools only while their parents continue in the adult wards; and, 2nd—Those permanently burdened on the parish—as orphans, deserted children, and the offspring of permanent sick, of lunatics, of idiots, and of criminals sentenced to long terms of punishment. With regard to the former—although, of course, their periods of residence should be utilized by imparting such instruction as is possible—but little can be effected, owing to the shortness of their stay and the irregular lives which they generally lead when outside. But the training given to the children of the parish (as they may be called, since that body stands towards them *in loco parentis*) is of vast importance to their future welfare, and consequently, to the extent to which they will hereafter become burdens on the community. There are three modes of disposing of these children. The most usual is to rear them in schools within workhouse walls: Secondly: several

of the more populous town parishes have established separate schools in the country at a distance from the workhouses; and, in a few cases, groups of parishes have united (under the provisions of an Act of Parliament) to form District Schools. Thirdly: a practice has been adopted within the last five or six years of placing the children out to board with respectable cottagers.

In the Workhouse and District Schools the children are taught reading, writing, and arithmetic, and receive religious instruction. They also usually have some industrial employment, and the girls sew and help in house-work; and, when old enough, situations are found for them. The intellectual instruction is generally good, and there is an appearance of order and neatness in the schools which produces a favourable impression upon a visitor. This appearance, however, unhappily is fallacious. Thus the schools of the Eton Union had for years been considered as models for imitation, and had been so designated in the Inspector's reports; yet, circumstances having occasioned a searching examination, so much evil was found to be lurking under the fair exterior that the Board of Guardians at once broke up the establishment, removing all the children to a District School. And long experience shows that children brought up in workhouse schools are not really well prepared for their after-life; for it is well known to those conversant with the subject that a very large proportion—particularly of the girls—become thieves, vagrants, or prostitutes, or relapse into pauperism.

Indeed, there seems to be a peculiar shiftlessness and want of energy about those who have been inmates of workhouse schools, especially girls. The managers of the London Refuges for fallen women state that by far their most hopeless subjects belong to this class, and the secretary of a refuge for destitute girls gives a similar account of such of them as came under her care. They seem to be without "gumption" and self-reliance, are balked by small hindrances, and then often take refuge in the workhouse.

This unhappy result has been attributed to a *pauper atmosphere*, as it were, which pervades a workhouse, and to the children having been brought up to consider that place as their home, whither they feel inclined to return on the loss of a situation or the occurrence of any difficulty. And probably this notion is not without foundation. As the district and separate schools are at a distance from the union-house it was hoped that the children would escape the workhouse taint, and, consequently, great expectations have been entertained that these establishments would be more successful in training the children to be useful members of society. Their results, however, have been far from realizing the hopes of their founders, while the expense of maintaining children at them has discouraged their further extension. Two main evils of the schools within workhouses apply with equal force to the District Schools. 1st: the contamination arising from the frequent passing through the school of the casual children, who merely stay so long as

their parents are in the workhouse, and in their intervals of freedom usually live in vagrancy, and, perhaps, in crime; and, secondly, what is still more important, the absence of the family tie and of that insensible training to the business of life afforded by the humblest honest home, but wanting in the most carefully conducted school.

The third mode of dealing with pauper children—the boarding them out with cottagers—has but recently been introduced into England, though in Scotland it has been in general use for thirty years past. Formerly, in that country, children were kept in large schools as here; but the evil effects of the system becoming well known, it was abandoned, and boarding-out substituted. The results are most satisfactory; for the children are nearly all absorbed into the honest working population, and cause no further trouble of any kind to the authorities. This success is undoubtedly owing to the discretion and care wherewith the system has been conducted, without which, indeed, it might degenerate into something like the old *farming-out* system in vogue in England before the reform of 1834, the remembrance of which has caused a prejudice against boarding-out not easily to be overcome. In Scotland the supervision is placed in the hands of officers of high class who devote much time to it. Firstly, great care is taken in the selection of homes, none but the cottages of persons of good character being chosen, situated in healthy neighbourhoods, and within reach

of parish schools, which the children always have to attend. The superintending officer visits the homes at unexpected times, and when he is dissatisfied, makes complaint, and, if necessary, removes the child. Ground of complaint, however, rarely arises; there being generally only one or two children boarded in one cottage—never more than four,—and the remuneration being merely enough to compensate the cottier for the actual cost out of pocket to which he is subjected by their presence, the idea of taking the children for profit—the making a trade of it, the bane of the old farming-out system—does not arise. The cottagers receive the inmates out of love of children, and thus a parental feeling arises, so that when the child has grown old enough to gain his livelihood, and the parish allowance consequently ceases, it usually appears that employment has been obtained for him, and he continues to abide with his foster-parents like their own offspring. The attendance at school, in addition to its direct advantage, has this incidental benefit—that it insures the detection of ill-treatment of the child in his home; for the schoolfellows would become acquainted with the fact, whence it could scarcely fail to reach their parents and the schoolmaster, and thence the minister of the parish, who would feel it his duty to make a representation to the superintending officer. In Ireland, a large institution for the support of orphans has for many years past boarded its children out with cottagers, and with a success similar to what has been attained in Scotland. And in several continental coun-

tries a similar practice has been followed with the like happy results.

This mode of disposing of the children permanently burdened on the parish seems to contain much promise; and if conducted as in Scotland—viz., with a careful selection of homes and a vigilant supervision—may be expected to be crowned with similar success, and thus, for the future, one copious source of pauperism may be dried up.

We have now to consider a class of children, the treatment of whom has a more important bearing upon the mass of pauperism and crime in the kingdom than that of all the other descriptions put together. The in-door pauper children under sixteen years of age amounted, on the 1st July, 1868, to 51,939, of whom it is estimated that from 16,000 to 17,000 would be suitable for boarding-out, while to the remainder, owing to their short sojourn in the workhouse, it is almost impossible to impart any useful training. But the children relieved out of doors reached on that day the huge figure of 296,734. A large portion of this latter class are illegitimate, their mothers receiving from the parish a weekly allowance for their maintenance; the remainder are the children of widows, of infirm persons themselves having out-door relief, and of others who are supposed not to be able to support them. The education and training of so vast a body—about a fourteenth part of the whole child population of England and Wales—must tell most effectively upon the numbers of the pauper, criminal, and vagrant classes of the im-

mediate future, and, indeed, of the present time, for a great part of these children are already quite old enough to figure as thieves and vagrants, while in a few years they will have become youths and men and women.

Unhappily there is no doubt but that many of these out-door pauper children are not being trained up in the way they should go. Teachers in ragged schools frequently discover that the mothers of children admitted in a most destitute and neglected state are still receiving parish aid for them, which is often spent in the gin-shop; and there is much reason to believe that many of the neglected and mendicant class of children are thus being supported at the cost of the community. In 1855 an Act of Parliament (18 & 19 Vict., c. 34, commonly called Evelyn Denison's Act) was passed to authorize boards of guardians to pay for the instruction of out-door pauper children; but a clause was unfortunately inserted forbidding education to be made a *condition* of relief. It might be fancied that this was proposed by some of those extreme supporters of "the right divine [of parents] to govern ill," who would rather allow a child to become a beggar or thief than run the slightest risk of his being trained in a religion different from that supposed to have been held by his progenitors; but in fact this provision was inserted at the instance of the Poor-Law Board, on the plea that their duty was to relieve destitution, and not to forward education. They had evidently been reading Swift's Directions to Servants: "Never submit to stir a finger in any business but that

for which you were particularly hired. For example, if the groom be drunk or absent, and the butler be ordered to shut the stable door, the answer is ready, 'An please your honour, I don't understand horses.'” Surely, whatever view may be taken of the now much-mooted question of compulsory education of children in general, the community has a right to see that those maintained at its expense do not grow up to be a burden upon it! Not only ought the restriction in Evelyn Denison's Act to be at once repealed, but Boards of Guardians should be directed to take care that all children supported by the rates are properly educated. It is gratifying, however, to learn that the great majority of this class of children is either at school or at work; for by two very recent returns (Sess. 1870, Nos. 33 and 123) it appears that, of 233,036 out-door pauper children between the ages of three and fifteen, 144,633 attend day schools (chiefly at the cost of parents, friends, or patrons, though the proportion paid for by the Guardians is increasing), and 33,982 are at work—all save 54,421, or less than $23\frac{1}{2}$ per cent. Still this is a very considerable number; and it should be remarked that 33,203 of these children, neither at school nor at work, are six years old and upwards. Some of those at work, moreover, are of very tender age; thus we find 4 at three years old, 8 at four, 6 at five, 29 at six, 96 at seven, 473 at eight, 1,323 at nine, 2,738 at ten, 4,808 at eleven, and 7,297 at twelve years of age. Since 1859 the per-centage of these children at school has risen

from 56·5 to 62·7, while the proportion of those neither at work nor at school has diminished from 25·4 to 23·3 per cent. on the whole number. In some towns in Scotland an excellent plan has been adopted. Instead of making a money allowance to a woman for the maintenance of a child, the parish places it at one of the admirable industrial feeding schools which have been established in most towns of that country in imitation of those founded about thirty years since, at Aberdeen, by Mr. Sheriff Watson. Here the child receives all its meals the seven days of the week, but returns to its mother's dwelling to sleep. It is well taught, and trained to industry, and, when old enough, is placed in a situation, while for some years further it remains under the kindly supervision of the ladies and gentlemen who interest themselves in the school. These children, it is found, nearly all turn out industrious and respectable.

The last class to be considered are the able-bodied poor, with regard to whom, the mode in which they are dealt with in the administration of relief must exert much influence on the increase or diminution of pauperism.

These are divisible into in-door, casual, and out-door paupers.

As a general rule there are but few able-bodied men permanently in the workhouse; though many tramps take up their abode in it for the night; and if the vagrant laws were enforced as they should be, that pernicious class of persons would be driven, either to

resort to honest labour, or to become regular inmates of the poorhouses, instead of preying upon the public and setting an example of idleness and mendicancy. The in-door poor, however, comprise a considerable number of able-bodied women, among whom are many persons of loose life who come into the workhouse for their lying-in. Attempts are sometimes made at classification, with more or less success; but very frequently those persons are placed in the same wards with girls and young women as yet unpolluted, but who, in such company, are not likely long to remain so; and thus the dissolute class is constantly recruited.

In the Dublin workhouses some years ago a most melancholy spectacle met the eye. Many hundreds of strong young women resided there in an apparently hopeless state of degradation, violent and brutal in their manners, and turbulent and riotous to the extent of assaulting the officers, and sometimes even the matron and master. An interesting experiment, however, was tried about twelve years ago, by sending a number of them to a convent of Sisters of Mercy, to whom were allowed the rations and materials of clothing which these women would have consumed in the workhouse. So efficacious was the gentle but firm discipline applied by the worthy nuns, that the women soon began to improve, and after some months several of them were rendered fit for service; and places being found, the major part have become respectable members of society. Had the guardians given the plan a fair trial it is possible that by this means the Dublin

poorhouses would have been to a great extent cleared of able-bodied women; but unhappily they insisted on sending the most unruly—women who needed the severer discipline of a reformatory, such as has proved so successful in preparing the Irish female convicts for freedom. And thus the Sisters were compelled to discontinue receiving paupers. More recently, however, some benevolent ladies in Dublin have, with the permission of the authorities, formed classes for able-bodied women in the workhouse, which are rendered agreeable by the addition of sacred music to needle-work, and other pursuits. When sufficiently improved, employment is found for these women out of the workhouse, where, however, many of them continue to sleep until their earnings enable them to take lodgings and become independent. There is every reason to believe that the great majority continue respectable and self-supporting. In a large London parish a considerable number of young women have been intrusted by the guardians to a society of ladies, who, after some training in a home, have obtained situations for them as domestic servants. One lady has taken out forty fallen girls with infants; she takes care of the babes and places the mothers in service, they paying her for the maintenance. The guardians make her a small allowance during a short period after each mother and child have left the workhouse. There is no reason why arrangements such as these might not be greatly extended. If an allowance equal to their cost in the house were made, it would not be diffi-

cult to find benevolent ladies, qualified for the task, who would undertake the charge of training these young persons, so as to qualify them for respectable employment. At any rate, the work done by these women in the poorhouse ought as far as possible to be of a useful and improving character, while such employment as picking oakum should be reserved for those undergoing punishment for serious breaches of discipline.

A radical defect in the management of our work-houses (and which applies in great measure also to our gaols, though there some steps towards amendment have been recently taken) is that no provision is afforded to enable the inmates to rise out of their position as paupers. So long as they remain in the building they are employed, fed, and clothed; but as they derive no special benefit from their labour, they naturally work as little and as ineffectively as may be without subjecting themselves to punishment, and consequently when they leave, are as little inclined or as incompetent to gain an honest livelihood as when they entered. Far different is the treatment of paupers in some continental countries. In France there are houses of industry, to which vagrants and other persons unable or unwilling to maintain themselves are committed by the Prefect. Here each person is taught some trade or occupation by which a livelihood can be gained, and is employed at it for the benefit of the establishment, a small portion, however, of the earnings being placed to his account; and he is not permitted

to leave the institution until he has both learned the trade and accumulated a sufficient sum to start with. Thus, not only does he acquire a handicraft, but is trained to industry and forethought, and to the habit of working steadily and energetically for a future object. When liberated, therefore, he is more likely to do well than one who has merely toiled under compulsion. The French plan of dealing with vagrants is substantially the same as the mark-system whose wonderful effects in the Irish convict prisons, and wherever it has been fairly tried, have attracted so much public attention. In Holland and other countries efforts have been successfully made to convert vagrants, beggars, and idlers into industrious citizens—ratepayers instead of rate-consumers.

The class of casuals, tramps, or vagrants, as compared with other descriptions of paupers, is not numerous, numbering altogether, on July 1st, 1868, 7,946, of whom 6,053 were relieved in-doors. But this class contains many very pernicious persons—idle, and often ready to commit depredations when opportunity offers—though a proportion of those returned under this head are men really travelling in search of work. It is important that these two descriptions should be distinguished and treated differently. In some counties a system of passes has been adopted. Upon the pass is written the name of each workhouse and the date of sojourn; thus it is learned whether the traveller is really pushing on through the country or merely wandering about; and in the former case he is

not subjected to the labour-test. In some work-houses bathing is enforced upon those who ask for a night's lodging; and experience shows this to be a potent test, for the regular vagrant will go miles round in order to avoid a workhouse where he will be compelled to bathe. Every practicable means should be taken to discourage the body of mendicants and vagrants.

The last class we have to deal with is that of the able-bodied adult out-door paupers, who, like the out-door children, enormously exceed those abiding in the workhouse; the latter on July 1st, 1868, amounted to 36,461, while the able-bodied out-door paupers numbered 379,976, or about one-fortieth part of the whole adult population of the country, thus forming a great field in which good or bad principles of administration may act.

Whether out-door relief ought ever to have been introduced, even as respects the infirm and sick, is a question upon which great doubt has been entertained. In Ireland it does not exist; and notwithstanding the poverty of that country, and the lack of manufactures to employ the surplus population, the burden of pauperism there is much lighter than in England. The whole annual cost of the poor-law system in Ireland was according to the latest returns £600,000 on a population of five millions and a half, or about 2s. 2d. per head of the inhabitants, while in England and Wales the cost was £11,000,000 on a population of twenty-one millions, or 10s. 3d. per head of the in-

habitants. As has been well remarked, no person gets on to the in-door roll sooner than he can avoid, while on the other hand few get off the out-door roll before they can help it. A system of allowance for livelihood in old age to those who have not saved in their youth, or whose children do not maintain them, must tend greatly to discourage prudence, forethought, and filial duty; still more so must aid to the able-bodied. And this no doubt is one of the causes of the notorious weakness of those virtues in the poorer population of England as compared with that of other highly-civilised countries. Still the practice has existed so long and been so widely spread, and has entered so completely into the system of life in this country, that to abolish it suddenly would create great suffering and probably even danger to the State. But out-door relief should be confined within as narrow limits as possible, and particularly as regards the able-bodied; and wherever practicable a labour-test should be applied.

All who have paid much attention to the subject must have been struck with the *make-shift* character of many of the proceedings of Boards of Guardians, and with the disposition to keep down the rates of the current year rather than to adopt means of diminishing pauperism for the future. The cause of this, however, is not far to seek. It lies in the principle of rating which has always obtained in England since the statute of Elizabeth, viz., the placing the burden (and consequently the power of electing guardians) upon the *occupier*, who (when, as is usually the case, he is not

the owner) has no permanent interest in the parish, and naturally concerns himself rather with the rates of the current year than with those of years to come, when he may have ceased to be a ratepayer. What is the *real incidence* of the rates in the long run is a question much mooted by political economists. That with some descriptions of property, as agricultural land, they fall ultimately upon the owner, is pretty clear; but how far this is the case with respect to house property, is more doubtful. Clearly, however, the proprietor has a great and permanent interest in the matter; it may, therefore, be fairly assumed that, were he rated and consequently had a voice in the election of guardians, he would be inclined to use his influence in favour of measures for the permanent diminution of pauperism. In Scotland, although the tenant pays the poor-rate in the first instance, he can deduct half of it from the rent payable to his landlord, as is the case indeed with other rates in that country. Were this law introduced into England power might be given to the landlord to demand to be rated immediately, and thus have his quota of votes in the election of guardians.*

From any point of view, however, it is clear that pauperism is a subject of very deep import, and that its causes and remedies demand the fullest and most anxious investigation.

A. HILL.

* Since this was written the President of the Poor Law Board has stated in Parliament that the imposition of a portion of the poor-rates upon the owner is in contemplation.

ESSAY IV.

THE NATURAL HISTORY OF LAW.

I AM fully aware that to a cursory reader the title of this essay will only excite a passing curiosity as to what can be its meaning, followed by a languid reflection that as it is something about so dry a subject as law, it must be dull and uninteresting. My motive for choosing this topic is, that I have observed that most intelligent and well informed persons have very much clearer and more correct notions about the nature and objects of the various physical sciences, even those which do not immediately affect their daily lives, than they have about the nature and growth of the laws and moral opinions which touch them in every point of their daily lives. Persons whose knowledge of any physical science is confined to the information acquired by popular lectures or treatises, have notions, correct as far as they go, of the relations which subsist between the forces now at work in the world around us, and those

which have produced its present condition. When we turn from physical science to positive law, all those who have not studied the subject, and the great majority of those who have, never seem to catch even a glimpse of its relation to human nature and society. If the reader doubt this, let him stop and note what he would say if he were suddenly required to answer the question, "What is law?" If he did not confine himself to some definition learnt by rote, but clothed in words the exact notions or prejudices which would be spontaneously excited by the question, he would most likely answer that "law was a collection of forms and rules made complicated and cumbrous by lawyers, and therefore continually needing amendment, in order to do in a bungling and roundabout manner, and at great cost, that which could be done better and more cheaply by common sense (*i. e.* his sense) without any such rules or forms." It is very likely, that as soon as he had given utterance to this conception, he would feel it to be either inadequate or incorrect; but how or why he would not be able to detect. He would, however, be very clear that, but for some secret hindrances which he does not understand, but which he believes to be owing to the perverse ingenuity of lawyers, law might be made a very simple affair. He would hold that a small committee of sensible men could frame a simple and clear code, not larger than the New Testament, which he who runs might read and understand, and from which all possible cases might be decided as surely as a sum in arithmetic can be done by a correct

application of the proper rules. It is not my object in this essay to vindicate lawyers from the accusation implied against them in this mistaken conception; but rather to show how erroneous the conception is, by tracing law to its origin in human nature, or, in other words, its natural history.

Now the fundamental assumption underlying almost all erroneous views about law is, that law is or ought to be a fixed and unalterable rule: that, if properly framed, it would consist of well-defined principles and maxims from which, by deduction, all possible cases could be decided. This assumption is fostered in the minds of most well-informed Englishmen by two causes: their knowledge of science, and the antiquity of their political institutions. Although we may be ignorant of the details of any and every particular science, the conception of law in the sense in which the term is *mis*-applied to the unbroken succession of uniformities which we call laws of nature, is not only familiar to us all, but is day by day interweaving itself with all our own conceptions of natural phenomena. Again, when we think of our English constitution we naturally recur to the Great Charter, more than six centuries old; to trial by jury, for which a higher antiquity is claimed; and these and other similar common-places all help to increase the belief that law is something which, if only well laid down at first, will last for ever, and that if our laws require amendment it is because, like modern houses, they were constructed by persons whose interest it is to have them continually needing repair.

In opposition to this assumption it may be asserted that the first essential condition of a correct conception of the nature of positive law and its relations to society, is to realize with the utmost distinctness the fact that human law, unlike the successions of phenomena we call laws of nature, is not a fixed quantity, nor is it constant or uniform in its operation, but is and must be constantly varying with every variation—political, social, moral, and intellectual—of the community in which it is in operation. Before we proceed to the proof of this proposition, it will be well, in order to preserve the sequence of thought, to define the terms “positive law.” By this is meant the course of conduct prescribed or set (*positus*) by the government of a community, under the sanction of punishment in case of disobedience. It is the command of a course of conduct, as distinguished from a single act, which gives to positive law its likeness to the uniformities we call laws of nature. It is the sanction of punishment which constitutes its *unlikeness* to these laws of nature; for, as has been well observed, we cannot conceive of the planets being punished for not continuing their accustomed revolutions. It is the circumstance that these punishments are inflicted by the government of the community as a government, which is one of the chief differences between law proper, and those obligations to observe a course of conduct which arise from the sanctions of public opinion, or to change the phrase, of public morality (*mores*), or of individual morality (or conscience), or religion.

It happens fortunately for the intelligibility of the subject, that the earliest and most celebrated code of law that the world has seen is in the hands of every possessor of an English Bible; and because the main propositions of my argument can be verified by the books of Exodus, Leviticus, Numbers, and Deuteronomy, as well as by the statutes at large, I shall, where it is possible, take my illustrations alternately from the Mosaic and the English law, which, by manifesting the real connection between systems of law so very different, will serve to show what are the facts in human nature and history on which all law is based.

The first proposition, then, to be illustrated as against the theory that law can be both simple and permanent, is that as soon as any law is laid down definitely and positively, the next advance of society may and generally does render it either inadequate or injurious. To use a homely illustration, the law of a progressive community, unless it be continually altered, is like the garment of a growing youth: he grows, and the garment does not, with the same result in both cases—first inconvenience and then rupture. In the one case, nobody blames the tailor, except for an original misfit; in the other, the jurist incurs not only the blame which is justly due to him if there were any want of precision or fitness in the original law, but also the unjust blame that his work did not fit the community at different stages of its moral, political, or intellectual growth.

Now, the causes which are constantly invalidating

the system of law of any community are, first, the absolute impossibility of propounding rules for all possible cases. Of this, the Mosaic code furnishes an apposite example. By that code as first promulgated, a man's landed estate at his death descended to all his sons; the elder son having a portion double that of his brethren (*Deut. xxi, 17*), and not an entire preference as with us. The purpose of this legislation, like that of the feudal system, was to establish a military force on the basis of tenure, and it omitted to provide for the case of a failure of male descendants. Such a case occurred when Zelophehad died, leaving five daughters, but no son. The daughters claimed their father's estate on account of special circumstances of merit in their father, and the hardship to them of losing their patrimony (*Numb. xxvii, 1-11*), and the result was the establishment in all cases of the right of succession of daughters, on failure of sons. In curing one evil, however, the legislator had unwittingly caused another. If a daughter who succeeded to her father's inheritance in one tribe married a man of another tribe, her property passed into that other tribe, and this was inconsistent with all tribal rights and duties. To meet this new difficulty, the right of succession of daughters had to be qualified, and made conditional on their marrying in their own tribe (*Numb. xxxvi*). Thus we have the first and greatest of legislators establishing a rule to which he had speedily to make an exception, and then an exception to that exception.

This example illustrates the difficulty which is

earliest felt in all legislation, and which is one of the most fruitful causes of the inexhaustibility of all law, viz., the difficulty of provision for unknown cases even when the states of facts out of which the cases grow suffer no change *in kind*. That this defect in law is part of its natural history, and that no good system of rules or laws can be framed except after experience of a certain number of instances, can be verified by any one who will take the trouble to compare the rules for whist in Hoyle, or the few and simple rules of the game of croquêt when first introduced, with the more elaborate regulations rendered necessary by the numerous combinations which each game has been found to present. The illustration is homely, but is as pertinent as though it had been taken from the Pandects or the Statutes at large.

This is the first difficulty; but as long as the circumstances of any given community remain the same, or nearly the same, although the permutations of cases, like those of the kaleidoscope, are endless, they are all of the same *kind*, and after a certain number of experiences the "wilderness of single instances" can be classified or arranged, or to adopt the legal phrase for the same thing, codified. But the changes in every progressive community not only produce new cases, of the same kind, but cases of a different kind, just as the permutations of the kaleidoscope would be increased by an increase in the number of objects introduced into it. The law of every country in its origin most likely expressed exactly the moral beliefs of the community

for which it was made, or at least of the governing class of such community. The mental and moral convictions out of which the laws arose are succeeded by different, perhaps opposite, beliefs or circumstances, and then the law is out of joint with the wishes or wants of the community. It may be safely asserted that there is no influence, either political, social, religious, or intellectual, which does not sooner or later invalidate, nay absolutely ruin some portion of its existing law. Everybody recognizes this principle in the coarser forms of political revolution, but the subtler influences of intellectual and scientific progress, although equally powerful, are not so obvious. The modern science of political economy, has, in the last quarter of a century, abolished whole chapters of English law—the statutes against forestalling and regrating—the limitations on the rate of interest—the restrictions on trade. Modern philanthropy has, in the same time, completely changed our criminal code from one of undue severity to one of undue laxity. The extent of these destructive changes must be evident to a cursory observer; to “abolish” and to “repeal” are the commonest of political phrases. Even Mr. Buckle, who was not a cursory observer, was so impressed with this tendency of modern society as to declare that the best legislation consisted in abolishing former legislation. He did not see that the very same influences which are so destructive of former laws are creating new departments of law, so that the sum total of law, so far from being diminished by all these

influences, increases and multiplies with enormous rapidity by reason of their operation. At the very time Blackstone was publishing his Commentaries, Watt was inventing the steam engine. The elegant jurist would have been much astonished if he had been told that this invention (which he would have regarded as a mechanical curiosity) would in the space of a century create new departments of law equal in extent to the whole body of English law when Coke wrote his Commentary on Littleton, and yet such has been the result. By increasing our commerce and almost creating our manufactures, it has enormously increased the bulk and complexity of our commercial law; and in the single department of railway law it has, within the last forty years, added more than three thousand cases to the reports. Nor are the consequences of scientific discoveries upon legislation always indirect. It often happens that the effect of such a discovery is to necessitate a direct and immediate change in the law. The invention of chloroform created a new agent of crime not contemplated by the existing law, and was quickly followed by a new statute (14 & 15 Vic., c. 19, s. 3) to provide against cases which the old law could not foresee.

As with scientific discoveries, so also with social influences. The changes in English law relating to theft are an accurate test of the gradual increase in value and importance of personal property in all its forms consequent on the progress of commerce and manufactures. In the early stage of our criminal law

only those things which were capable of manual abstraction, as money, jewels, household goods, or the like, were within its provisions. No theft could be committed on a chattel annexed to the soil, because, for feudal reasons, it partook of the nature of the soil; nor of any such symbols of property as bills and notes, because they were unknown to the ancient law. Step by step, as each of these kinds of property grew into importance, it was included in the circle of things, the taking away of which was theft. Again, the growth of large communities has rendered necessary a whole body of law relating to social economy, of which there was not a trace in our laws when Blackstone wrote, and which, in its various phases of promoting co-operation, regulating hours of labour, providing for the health and education of the people, occupies every year a larger share of the attention of the legislature.

These instances of changes in laws being necessitated by, and consequent upon, all the influences which affect the community, are sufficient to establish the fact. The next step is to ascertain the *rationale* of this change, or in other words its natural history. It must follow from what has been already stated, that the causes which produce changes in the laws of a community are identical with those which produce changes in the community itself—the former being a secondary effect of the latter. What, then, is the general order of change in a progressive society? In a remarkable essay on “Progress: its Law and Cause”

(since embodied in his "First Principles") Mr. Herbert Spencer has stated it to be the transformation of the homogeneous into the heterogeneous. This hypothesis he has copiously illustrated by instances drawn from the physical sciences, and I think it is capable of still stronger confirmation from the history of law, which he has only barely mentioned.

Applied to positive law, this hypothesis implies that all the rights and duties which are now enforced by the different (heterogeneous) sanctions of (1) positive law, (2) common usage or public opinion, (3) conscience, and (4) religion, were in their origin enforced only by one and the same (homogeneous) sanction of law alone. Or to restate it the converse way, the hypothesis implies that the progress of society is the gradual evolution of these four different (heterogeneous) motives and sanctions of human conduct from and out of the one simple (homogeneous) motive and sanction of primeval law. The Mosaic code furnishes an excellent illustration of this part of the hypothesis. That such code was homogeneous in the sense that it was intended to include, and did include, the entire circle of human rights and duties so far as they were then known—that it was "the whole duty of man" to his fellow-man and to his MAKER—is a proposition familiar to, and generally accepted by, most Englishmen. But the proposition being generally tacitly agreed to on theological grounds, prevents the fact being realized with the distinctness and clearness necessary for an inquiry of this nature. Moreover,

the significance of the fact is obscured in the minds of most people who have derived their notions on this subject only from biblical sources, by the modern division of the laws of Moses into moral, civil, and ceremonial. To us, these divisions are as obvious as the division of night and day; but that only shows how far our heterogeneity has gone. In the time of Moses, and for centuries afterwards, these divisions were as unknown and as incomprehensible as the Copernican astronomy, or the undulatory theory of light. An ancient Jew would no more have understood why we select the ten commandments and hang them up in our churches, and dignify them with the title of the moral law, than he would have comprehended the distinction between law and equity as a modern English lawyer understands it. To him, every commandment was just as binding as every other—they were all clauses of one act, were, in other words, homogeneous in the nature of their obligation—and the only distinction he could recognize would be that some clauses were more difficult to observe than others. If it be supposed that the ten commandments which we now call the moral law are of universal obligation in the sense that they ought to form part of every good code of positive law, the most cursory comparison with our modern legislation will show how different our notions are. It will be conceded that, whether the ten commandments were moral or not, they were all prescribed as law, in the fullest sense of that term, by Moses, and that a man could be punished as well

for idolatry as for murder, and for not honouring his parents as for theft. What difference there was in the punishment was still more contrary to modern ideas, for whilst theft (not committed at night) was punishable only by fine (*Ex. xxii, 1-4*), disobedience to parents was punishable by death (*Lev. xx, 9*).

Turn now to the view which modern English law takes of the duties—the *legal* duties be it observed—prescribed by these commandments. Of the whole *ten*, only two, theft and murder, are prohibited under the sanction of the criminal law. The duty of filial obedience, then enforced by the extreme legal penalty, is now enforced only by morality. The first and second commandments have in England and the United States passed altogether out of the sphere of positive law, and are even passing out of the sphere of public morals into that of private conscience only. Here then, the duties which Moses placed in a line of equal obligation and importance, we have placed rank behind rank in the different divisions of (1) legal obligations enforceable by legal penalties, (2) moral habits or usages enforceable by the penalty of social discredit, (3) conscientious or (4) religious obligations enforceable only by conscience or ecclesiastical censures.

This instance is given because it is one familiar to us all, and it would be easy, did space permit, to show that every system of law has been developed in precisely the same way, and that when first given forth it was law, morality, and religion in one—in a word, it was homogeneous. Keeping close, however, to our

chosen illustration, not, be it again observed, because it is different, but only because its history is more easily accessible than that of other systems of archaic law, it will show us how the legal and moral elements in it are gradually "differentiated" (the word is a little pedantic, but there is no other which expresses the process with equal exactness). We have seen that the changes in a progressive society very speedily reveal the fact that its law is inadequate and incomplete. Case after case occurs for which the law does not provide; nor in a primitive state of society can the law be readily altered so as to extend to and include such cases. Even in an advanced state of society, where representative institutions are in full operation, and where, therefore, general opinion can be rapidly transmuted into formal law, the changes in the circumstances of society are constantly outgrowing the law. But in ancient communities law was often unalterable in an avowed and formal way. Sometimes this was because, like the Mosaic law, it had an attribute of sanctity attached to it, and sometimes because, like the feudal system in England, it was kept up by the influence of a dominant class long after the habits and opinions of the rest of the community had entirely changed the usages out of which it arose. What then happens? Without discussing the rival theories of the intuitive and derivative sources of morals, the fact is beyond dispute that by some test or other—be it moral sense or utility—all communities of men arrive at some conclusion as to what ought to be done in

cases for which no provision is made. The opinions of society very rapidly establish what may be called a supplementary code to the pre-existing formal law; and these opinions become usages or morals in the original sense (*mores*), or, as here termed, *public* morality, as distinguished from abstract morality. For example, if the question of the right of succession in the case of Zelophehad before quoted had occurred after the death of Moses, when formal and avowed additions to the law were at first impossible; it would have been decided in some way, perhaps by chance, perhaps by some considerations of right or wrong. Whichever way the question was solved, it would establish a precedent in the mode of supplying the defects of the actual law, and would at once differentiate from proper positive law the rules made by usage and precedent. It would be a great mistake to suppose that the influence of precedents is confined to advanced communities, or to legal records. An opinion or usage which had its origin in chance may be followed for ages, just as the course of a footpath may be fixed for centuries by the wisdom or the whim of the first rustic who deviated from the high road.

When a sufficient number of omitted cases have occurred, and have been decided upon by public opinion or usage, so that there is a body of custom and opinion differentiated from the code of positive law, a further differentiation then takes place. Some of these moralities are seen to be sufficiently sanctioned by instinct, or public opinion; or if not, are of such a nature

that to attempt to enforce them by law, would create a great evil to cure a small one, as happened when the republic of Geneva punished two bridesmaids for dressing too gaily at a wedding. Certain other obligations created by the changes of society, are, on the contrary, seen to be as necessary to be enforced by legal means as those obligations which form part of the pre-existing positive law. Now all these rights and duties which are not enforced by law, but which ought to be so enforced, and to which, if the original law had been framed with the benefit of subsequent experience, the law would have extended, are sooner or later made into positive law by a process now to be described.

Let it be again remembered that everything we now call law reform, *i. e.* conscious, intentional, and avowed alteration of the law, was utterly impossible in all archaic communities. Such a community was in this dilemma, *viz.*, that the law could not be altered in any formal and avowed manner, and yet it was absolutely necessary it should be altered. To take two examples from two very different states of society. If as we have seen, the Mosaic law needed alteration and amendment in the lifetime of Moses himself, it must *à fortiori* in the centuries which elapsed between his death and the period of the captivity, have required much greater alteration and extension. The original code was intended to preserve the Jews as a nation, every man of whom should be a landowner and a soldier—a nation carefully separated by peculiar institu-

tions from all its neighbours, without foreign relations, without internal trade, or external commerce. The element of contract which fills so large a space in modern law is almost entirely absent from the Mosaic code, and the few traces in which such are to be found, are confined to some simple regulations as to the return of pledges. In process of time the nation had become everything which the Mosaic institutions were intended to prevent its becoming. Its peculiar system of land tenure had ceased to be. The people had attained prosperity by commerce, and suffered adversity by foreign conquest, and all these changes must have necessitated corresponding changes in their laws and morals. But after the death of Moses it was impossible ostensibly to alter the law to agree with their altered circumstances. It *was* altered nevertheless: and the alteration was brought about by the use of all the processes which theologians call "development," which moralists call "casuistry," and which jurists call "legal fictions" and "equity." All these are different names for, and applications of, one principle, viz., the change principally by way of extension of a law or a doctrine under pretence of expounding or administering it, until in process of time—to recur to our former simile—a series of patches has been substituted for every part of the original garment; shape, size, colour, and texture are all changed, but each change has been effected so gradually, that it is not only unperceived, but if the fact of any change be asserted, it is vehemently denied. By all these processes, in the course

of centuries a supplementary code, partly legal and partly ethical, was gathered round the original Mosaic laws, and the scanty original garment was stretched and pieced so as to subserve the wants of a state of society as different as possible from that for which the code was originally framed. The process resulted in that wonderful compilation the Talmud, which is beginning to be understood in England by means of the interesting expositions of M. Emanuel Deutsch.

The most pertinent example, however, which can be given of the habits and usages (*mores*) or moralities of society becoming indirectly and unavowedly incorporated into the existing law by means of the fictitious assumption *that they were already part of such existing law*, is that of the English law of real property. Everybody knows that this part of our jurisprudence is founded on what is called the feudal system, and that the full development of that system implied two things: first, the actual cultivation of the soil by either serfs or husbandmen who had no ownership of the land; secondly, the granting of ownership only on condition of military service, each feudal tenant owing fealty to his immediate superior, and the king being lord paramount of all. So far as the theory of the ownership and transfer of land was concerned, feudalism implied three principles. (1) That the ultimate ownership of all the land in the country was vested in the king as head of the state; (2) that no other person than the king could have any more than a certain status (*estate*) in the

land, *i.e.* that he could not have the same interest in it as in a chair or a bag of money ; (3) that as the transfer of the interest of every owner of land was not a mere commercial transaction which only concerned himself, but concerned also his feudal lord (and his feudal vassals likewise, if he had subinfeudated), no such transfer could be made by a secret transaction between the seller and the purchaser, but only by means of an outward and visible delivery of the possession, public in its nature, and requiring the consent of both lord and vassal. Now the commercial theory as to land implies the converse of all these principles. It considers land as an article of commerce in which the owner ought to have the entire and absolute interest, which interest he ought to be at liberty to dispose of by some simple form, as he would a bale of cotton, or a jewel, or a picture. From the beginning of the thirteenth century to the present time there has been a gradual substitution of the commercial for the feudal element in this part of our law. It began when the personal military services, which were then the only conditions of the ownership of land, were first commuted for money payments, and will not stop until landed property is assimilated to personal property in all points but those in which there is a difference in essence and substance. The peculiarity of the process was, that from the beginning of the thirteenth century to the time of the Commonwealth it was a gradual change of the law, on the theory that it was *not* changed, but simply expounded and administered. During this period the influence of the dominant

class was sufficient to prevent any avowed and formal change in the feudal element of our law, but the gradually increasing influence of anti-feudalism, although it was not powerful enough to produce a formal and legislative change, was sufficiently powerful to surround the feudal law with an element of fresh usages, opinions, and institutions, which acted upon it like a solvent, and gradually crumbled it away.

The extent to which this process of indirect change was carried could only be adequately realized by a man who died in the reign of Edward the Third, and who should revive in the reign of Victoria, and inquire into the nature of the transactions he might see in a conveyancer's chambers or a solicitor's office. He would be obliged to conclude from what he saw, that the law of England had been entirely changed. He would see, for example, a short document by which he would be told that the entail of an estate was to be cut off, and he would inquire when the statute of entails (13 Ed. I, A.D. 1285) was repealed. He would be told that that statute was still in full force, but that, by a contrivance invented two centuries after the statute was passed, and gradually improved, its operation might be, and was, invariably defeated. He would notice catalogues of sale of large estates with no more reservation of the rights of the crown, or of any other feudal lord, than in sales of household furniture or farming stock, and he would conclude that ownerships in land had become allodial, *i. e.* absolute, like personal property. He would, however, be told that there had

been no such alteration, and that the doctrine of the crown's absolute ownership was as much the basis of the English land law as it was in the reign of Edward the First, although only in the very rare case of a man dying without any heirs whatever was it of the smallest importance, nor did it ever diminish the value of the largest estate by the smallest sum. Again, he would see a document signed, and would be told that by that act alone an estate had been sold from A to B, and he would naturally inquire when it was that the notoriety and actual delivery of possession required by the feudal system was dispensed with. He would be told, to his great surprise, that this necessity of notoriety and actual delivery of possession was still the theory of the law; but that, by a series of subtle contrivances, whilst the theory was maintained, every practical consequence of it was evaded, and that men conveyed their estates by secret deeds, just as they might transfer their chairs and tables.

By these ingenious contrivances the habits and opinions of a nation, gradually advancing from feudalism to commercialism, have slowly surrounded and modified ancient principles by the fictitious assumption that such habits and opinions were deductions from such principles. To complete the history of the process, it should be added that a time at last arrives in which the community discovers that it is not worth while to keep up the fiction of doing one thing under pretence of doing another, and then the fiction is abolished, and the formal law made to correspond with

the actual practice, as was the case when, in the year 1844 (7 & 8 Vic., c. 76), the legislature first avowedly altered the common law principle of the necessity of livery of seizin. Sooner or later it will do the same with all the other relics of feudalism.

This gradual incorporation into the body of the law of the changed habits and opinions of the nation is only one of the many ways in which such habits are constantly affecting the pre-existing law. Created, be it remembered, by two causes, viz., the defect in the law, and the change in the community, these moral habits and opinions surround the law like an atmosphere—press in upon it at every point, and constantly and insensibly change and modify it, both directly and indirectly. Another mode in which law is constantly being modified, is the infusion into it of what is called equity, or equitable interpretation. The necessity of this kind of modification arises whenever a case occurs which is not within the letter, but is within the spirit of the existing law; or, conversely, is within the letter, but is not within the spirit. All legal systems except our own have solved the difficulty by giving the same tribunals who administer the law, the power to make the necessary equitable modifications. But, as Dr. Johnson has observed (*Life of Frederick*, p. 39)—“To embarrass justice by multiplicity of laws, or to hazard it by confidence in judges, seem to be the opposite rocks on which all civil institutions have been wrecked, and between which legislative (juridical) wisdom has never yet found an open passage.” In

England alone, we have the singular and unique spectacle of this equitable interference with law being practically confined to the jurisdiction of the Court of Chancery, and embodied in the creation of one distinct department of law, instead of permeating and controlling every other.

The reasons for this are altogether historical, and have no foundation whatever in any natural division of rights and duties. The original cause was that the genius of the English people leads them to prefer "embarrassing justice by a multiplicity of laws" rather than "hazard it by reposing confidence in judges," a feeling which Lord Camden expressed in the saying, "The discretion of the judge is the law of tyrants." A secondary cause was that in the infancy of our legal system, the three superior Courts of Common Law were in reality simply three sub-committees of the King's Council, which exercised all supreme administrative and judicial functions, and was, in fact, the government in action. The Court of Exchequer took cognizance of all matters concerning the king's revenue (a remnant of which original judicial jurisdiction was exercised as late as the time of Sir Robert Walpole, who as Chancellor of the Exchequer, decided a cause on which the other judges were equally divided). The Queen's Bench took cognizance of all criminal matters, and the Common Pleas, of civil actions between subject and subject. This division of judicial work would have been perfect if the world had stood still, and there had been no changes in society

productive of cases which would not accommodate themselves to these divisions. But society did not stand still—whole classes of cases occurred for which these three tribunals provided no remedy, and recourse was had to the fiction of a supposed unexhausted prerogative of equity and justice remaining in the king as head of the state. The exercise of this was delegated to the Chancellor, and so, step by step, the Court of the Chancellor (Chancery) assumed the right and exercised the power of redressing those wrongs which the Courts of Common Law did not consider to be legal injuries, *e. g.* breaches of trust as to landed property, which the Courts of Law to this hour continue to ignore, because originally trusts were illegal, as being evasions of the feudal system.

To the historical origin of English equity is entirely owing the anomalies which pervade every part of the system. Unlike the equitable modifications of other systems, it does not pretend to soften the rigour of law in all cases, but only to supply the shortcomings of the law in certain departments. What the departments are whose shortcomings are to be supplied, was determined by the wants of the community and the defects of the law centuries ago; and therefore it is that on the subjects within its jurisdiction the Court of Chancery enforces an almost Quixotic morality, and on other subjects affords no redress for the most flagrant legal injustice. For example, it continually makes trustees liable for acts which are morally justifiable, and yet it never inter-

posed to prevent an owner of a large landed estate devising it so as to defeat the just claims of his creditors—an evil which an improved public morality has remedied by legislation. Hence it has happened that in England, equity, in its original sense, as a discretion vested in the tribunals to prevent justice degenerating into injustice, is confined within very narrow limits, and has become a department of law almost as unexpansive and technical as the law it was originally designed to supplement and correct. But in other systems equity, and the application of principles of equitable interpretation, are the most powerful means of accommodating law to the changes of society. The vigorous satire of Swift in the *Tale of a Tub*, how the three brothers found in their father's will just what they wanted, is scarcely an exaggeration of what has been done as well by lawyers as theologians desirous to give to their own opinions the sanction of authority.

But neither the incorporation of the moral habits and opinions of society into its pre-existing law, nor the extension of that law by what is called equity, exhaust the influences which the moral condition of every community exercises over its law. Even when the moral usages of any society are not powerful enough to modify its law in either of the ways we have just noticed, such usages always exercise a great influence upon the administration of the law. Whenever the law does not represent, or very nearly represent, the average tone and feeling of the community, it is sure to be evaded,

whether the moral standard of the community be higher or lower than the law itself. When the criminal code in this country was unduly severe, juries constantly refused to convict for offences which were—but which they thought ought not to be—capital crimes. The morality of the community had outgrown the law. Wherever, on the other hand, enthusiastic reformers, like Draco at Athens, or Calvin at Geneva, or the Puritans in the New England States, have endeavoured to efface the distinction (which has been shown to be part of its natural history) between law, morality, and religion, and to re-establish a kind of theocracy, in which all duties, legal, moral, and religious, should be enforced by legal penalties—the attempt has ultimately failed. The law is maintained at a working level only when it is supported by the moral convictions of the community. This is sufficiently evidenced by what is passing before our eyes at the present moment, both in Ireland and England. In Ireland it is impossible to enforce the laws against agrarian outrages, and in England to procure convictions for bribery on evidence which would be sufficient to prove any other crime, because the people do not regard either as a grave moral, as well as a legal, offence.

Hitherto we have discussed the means by which the law of any particular country becomes modified by its moral habits and opinions. Another differentiation has now to be considered. These moral habits and opinions which originally grew up around its law

are liable in a lesser degree to the imperfections of the original law. In a progressive society they are always being supplanted by something better, and then, in addition to the diverse standards of (1) positive law, (2) common morality, *i. e. mores*, or the habits and opinions of society, we get another standard—that of morals or ethics, of which the private conscience, and not public opinion, is the test. This is in the first instance evolved out of common morality, as that is from law, and in its turn re-acts upon and modifies both. Perhaps the best example which can be given of this higher morality is that of the creation and extension of what is termed international law.

By law, or rather by the absence of it, there were at the time Grotius wrote, no bounds to the cruelty of war. It is his glory to have created an international public opinion or morality on the basis, that, although wars were just and necessary, still even enemies had rights which it was immoral to infringe. This, which was at first an ethical argument of a solitary thinker, by its inherent merits grew to be the general opinion of the governing classes of Europe, and is now so universally recognized that it has taken the name and in some respects has the force of law. But this international morality, or law, as it is called, is always being modified and improved by the constant improvement in the ethical opinions out of which it has its origin, and being in its nature more indefinite and expansive than pure positive law, is more susceptible of modification. For example, the limitations of bel-

ligerent rights, and the concessions to neutrals which would have satisfied Grotius, and which have been embodied in the decisions of the Prize Courts of England, and of the United States, will not satisfy the higher morality of to-day. No instance could more exactly illustrate this, than the Declaration which our own Government found it necessary to issue concurrently with the proclamation of war against Russia, on the 28th of March, 1854, to the effect that, whilst it maintained the right to do so, it would not seize the enemy's property on board neutral vessels, nor issue letters of marque. In other words, this meant that the public opinion of Europe had advanced a stage beyond that which was embodied in its international law. The next step was to formalize this advanced opinion, as was done in the subsequent Declaration of Paris, 16th April, 1856. The advance has only made way for the proposal now being discussed, of the entire exemption from capture of private property not being contraband of war. The course of the gradual development of the doctrines of international law, exactly illustrates the method by which all advances in morality act first upon the opinions, then the usages, and then (*vires acquirit eundo*) on the laws of any particular community. What Grotius did for international morality the *Areopagitica* of Milton accomplished for the freedom of the press, and the *Liberty of Prophesying* of Jeremy Taylor, and the *Letter on Toleration* of Locke, for the freedom of religious opinion. The influence of such writings is slow but sure, and they ultimately leave a

more conspicuous mark on future legislation than on the literature of their own time.

Concurrently with these evolutions of morality out of the imperfections of law, and of a still stricter morality out of the general customs of society, another evolution, equally fruitful in its consequences, goes on, viz.: the differentiation of the sacred from the secular, as to their respective spheres of right and duty. Everywhere, in archaic history, the King and the Priest, the Church and the State, are united (homogeneous). So long as the religion is a mere cultus, having no doctrinal or ethical teaching—of which kind of religion Greece and Rome afford familiar examples—the union in one person of the kingly and priestly offices is simply a question of division of labour and of function, having no more influence on the development of law than any other division of labour, and is therefore outside the scope of our present purpose. But whenever any religion, in addition to being a cultus, is also a system of law or doctrine, such as are Judaism, Christianity, Islamism, then a differentiation is sooner or later sure to happen, between the two systems of conduct which we represent by the words Church and State. Whichever is for the time being the most powerful will seek to impress its peculiarities on the other. The striking example of the flux and reflux of ecclesiastical and secular influences afforded by the marriage question will suffice by way of illustration. The merely secular view of marriage is, that it is a contract with which civil society has nothing

more to do, than to insist on such formalities being observed as shall insure absolute certainty of the fact of such a contract having been made, because, from its nature, it not only concerns the contracting parties themselves, but their offspring, and therefore the whole community. It logically follows, from the mere contract point of view, that when the purpose and intent of the contract become impossible, such contract ought (regard being had to the interests of the community) to be modified or altogether dissolved. The ecclesiastical theory regards marriage as a sacramental obligation, which can be validly contracted only with the sanction of the Church, and which, when so contracted, is indissoluble, except for the reasons, and in the mode, which the Church prescribes. The slightest reflection will suffice to show that the logical deductions from these different theories, will result in conclusions wide as the poles asunder. In English law, until latterly, the ecclesiastical view has generally prevailed over the secular, but never entirely. For instance, until the year 1843, it was always disputed whether, according to the English common law, the intervention of a priest was necessary to a valid marriage, and although in that year the judges unanimously advised the House of Lords (in the case of *The Queen v. Millis*) that it was so, the authorities were so evenly balanced, that the Law Lords were divided in opinion. In the reign of Edward IV, the Ecclesiastical Courts, under the influence of the early reformers, for a short time, expressly disclaimed the sacramental theory; but, in

the following reign, the doctrine of the indissolubility of marriage by the ordinary process of law was restored. Even when this was settled law, the legislature reserved and exercised the power of altering it in certain cases by special laws, *i. e.* private divorce acts.

The secular or purely contractual view of marriage was first applied to the mode of *contracting* the relation by the Marriage Act of 1835, since which, marriage can be entered into without the intervention of a priest, and (if the contracting parties are so destitute of sentiment as to prefer that mode) with as entire an absence of religious ceremony as the contract for their house or their furniture. More than twenty years had to elapse before the same secular principle was applied to the *dissolution* of the contract. Even when the legislature had disclaimed the sacramental theory, so far as the constitution of the contract was concerned, it left it in full force as to all the consequences of the contract. The Ecclesiastical Courts, on ecclesiastical grounds, declined to dissolve any marriage except for reasons which proved that it never existed in fact, but only in form and appearance. The same ecclesiastical view governed the secular courts in their construction of voluntary agreements of separation. They were declared illegal and invalid as regarded the married *persons*, but, with a strange inconsistency, were enforced as arrangements of their *property*, if and only as long as, the separation was an actual fact. By the Divorce Act of 1857 the secular principle has been partially applied to the regulation and dissolution of

the contract, as well as to its original constitution. Following the same view, it has been decided that the former doubts cast on the validity of voluntary separations were remnants of ecclesiastical doctrine which have now ceased to have any legal validity. It is needless to point out that every such alteration differentiates law from religion, and furnishes each individual with a different rule of action, according as he obeys the standard of the State or the Church. Every lawyer of experience knows cases in which ecclesiastical and theological views as to the sacramental nature of marriage have prevented both husbands and wives taking advantage of the law. This fluctuation of opinion on the marriage question in the most enlightened country in Europe, is only one example of a conflict which is going on in all countries, and on all questions by which religious or ecclesiastical interests are affected. Questions of national education, and even of the Irish land tenure, are discussed by the contending parties, from the different platforms of secular and ecclesiastical interests, and so the heterogeneity of the influences by which modern legislation is effected is increased.

Thus far we have shown the development of law to be very much like the evolution of matter according to the nebular hypothesis. From the sphere of primitive archaic law is thrown off, or evolved, a sphere of secondary and supplemental opinions, which become customs (*mores*) or conventional morals. Out of these again is evolved another and better morality than is

supplied by the common practice of mankind, and beyond all these circles is a different one, embodying the beliefs, and consecrated by the sanctions of religion.

So much for the law itself. Let us now turn to the consideration of the similar evolution which has taken place in the rights and duties of the persons subject to the law. On this part of the question it is no paradox, but a literal truth, that the transformation of the homogeneous into the heterogeneous has been so complete, that it requires a strong effort of the imagination, or more than ordinary knowledge, to understand how it could ever have been otherwise. Our modern conception of society is so saturated with what has been called "the individuality of the individual," that until recently it was taken for granted that all communities were originally formed by the voluntary association, at some remote period of time, of individuals, each exercising a right of private judgment as to the terms on which they would join the others. The Social Contract of Rousseau was simply a definite statement of this theory, which was, so to speak, held in solution, in the current notions of the origin and nature of society current in the eighteenth century. We now know that such a conception is viewing the facts through the wrong end of the historical telescope, and pushing back into the dawn of social history what is in truth its latest development. We know that instead of the development of society being from the unit man through the family—the *gens* and the tribe—so far as all questions of law and

property are concerned, the tribe was the earliest and only conception, and out of the common ownership of the tribe was gradually separated that of the family, and out of that of the family, that of the individual. The steps of this progress will be found explained in Maine's *Ancient Law*, and with still greater minuteness in M. Lennan's *Primitive Marriage*. It rather concerns the purpose of this essay to show, that every step of this progress is the gradual substitution of the heterogeneous relation which the individual voluntarily makes for himself by contract, for the homogeneous relations which all systems of archaic law imperatively impose upon him. Nor is this a matter of mere antiquarianism, for the very same processes which have, in European countries at least, obliterated the distinction of caste, and abolished slavery, are at work before our eyes with increasing intensity. This progress is described by jurists as the transition from Status to Contract. In every ancient system of law the rights and duties of each individual (if it be advanced enough to recognise an individual) are fixed by the law itself, and he can acquire few or no rights by his own act. All law is in its beginning imperative, and only imperative. As Mr. Bagehot in his *Essays on Physics and Politics*, acutely remarks, this quality is its most pressing necessity and best justification. In the primitive state the slave has no rights against his master, the father has the power of life and death over his children, the wife is in entire subjection to her lord, and kings

are despotic over their subjects. That is to say—to adopt the juridical expression—the slave, the child, the wife, or the subject, stand in a certain relation or condition (*status*) to the others, fixed by the law and not by themselves. This iron inflexible reign of law, like severe drilling, is the only mode in which communities, or armies, can be disciplined into obedience. The first note of its relaxation, is the inception of the idea of contract. To us this seems the most elementary of all conceptions, because the rights and obligations we create for ourselves are infinitely more complex and important than those the law imposes upon us. A little patient thought will make it clear that this conception, elementary as it looks, could only have been possible in a very advanced stage of legal progress. What is a contract in its essence? It is a special law between the two contracting parties, of which they dictate the terms, and the law adds the sanction or, in other words, enforces the performance. It is utterly foreign to the original conception of law, as an imperative system, that it should, as it were, yoke its sanctions to the service not only of the reasonable desires but even the caprices of men. Ancient law of, and by, and in itself prescribed all the then known rights and duties of men, and utterly denied them the power to vary those rights and duties by agreement. The great discovery (for such, in truth, it was) that the law might be made to serve as well as to rule, has been as fruitful in its results in the juridical progress of mankind as the discovery and application of the

steam engine has in its material progress. The difficulty for us, is to conceive what a purely imperative system of law was. Some faint idea may be obtained by reference to our stock illustration of the laws of Moses. Those laws were made for a state of society much in advance of a primitive condition, but the most cursory perusal will show how small was then the sphere of contract, and how pervading was the contrary idea of status. The land was to belong to the tribes, and the power of disposition was circumscribed within the narrowest limits: and just as has been shown to be the case in the feudal system, the land did not belong to the tenant, but he rather belonged to, or had a certain status in it. All the other relations of a man's legal existence, whether to his wife, to his children, to his priest, or to his nation, were fixed imperatively by the law. Only in the two operations of sales and pledges was there any provision for contracts at all, and how little such relations had to do with the daily life of the people, may be judged of by the fact, that the law is altogether silent on the solemnities of a contract. We gather from two incidental notices in the historical books, that the casting of the shoe was the ceremony which served for legal authentication of a transaction; and whoever will read Mr. Maine's chapter on the *Early History of Contract* will be satisfied that all such ceremonies mark early stages in the growth of the idea of contract. This idea begins by attaching importance only to the solemnities which accompany the mutual promises which make a contract.

Gradually, the solemnities diminish in importance, and the notion that it is the mutual engagement which makes the contract, becomes first, a doctrine in morals, and then a principle in law. All solemnities are then viewed in their true light, as modes of authentication of a contract, and not as the contract itself.

Now it cannot be too strongly insisted upon that this enlargement of the sphere of contract—in other words, the permitting people to make laws for themselves, in almost all matters which concern their personal interests—is the great difference between ancient and modern times. In the history of our own country, in whatever direction we look, the operation of this principle is evident. What is in brief the history of the English Constitution? Is it not the gradual substitution, by such agreements, between the king and subjects, as the Great Charter, the Petition of Right, and the Bill of Rights, of certain defined and therefore restricted powers, for the powers arising out of the original status of king and subject—powers which were restricted only by the physical force which each had at his command, and instead of being defined were (as Gibbon, paraphrasing Tacitus, says of the Germans and Sarmatians) “faintly marked by their mutual fears.” Nor must it be supposed because, politically, the advance from status to contract was complete at the revolution, that it is an influence which has ceased to operate actively. On the contrary, we have seen within the last ten years the largest strides ever made from status to contract, in the emancipation of

4,000,000 of slaves by the civil war in the United States, and in the general abolition of serfdom in Russia. Although in England this abolition of serfdom was effected centuries ago, the same principle is still one of the most vital and active elements of social change. The great and increasing attention to our land laws is simply an attempt to substitute contract, and all its corollaries, for the remnants of feudalism which still remain embedded in our legal system. The only personal relation to which the doctrine of status in its old sense now applies, viz., that of husband and wife, is undergoing a similar modification. By the theory of the law the relation of a wife to her husband is one of status, that is to say, after marriage she has no longer any independent legal existence, but simply a sort of relation (status) to him. This theory of our law comes down to us from a time when all relations between superiors and inferiors were those of status, when the paternal power was absolute, and the relation of employer and employed was then that of master and slave. What is demanded by way of alteration is, that marriage shall leave the rights of the wife just as they were, except so far as she may choose to vary them by a voluntary contract with her husband. In other words, to substitute the relation of contract for that of status.

In the preceding remarks the different elements of positive law, modified first by the habits and opinions of the community, and then by the higher morality, sometimes of abstract ethics, and sometimes of religion,

have been considered only in their relation to what may be called *substantive* law—that is, *what* is to be administered. Nothing has been yet said as to *adjective* law, that is by what tribunals and in what mode—in a word, *how* the law is to be administered. Everything which has been said as to substantive law applies to this also. All the influences which affect the law itself also affect its operation and administration. Enough, however, has been written to show that the popular view of the nature and origin of law is altogether erroneous, and that really good legislation is a work of enormous complexity and difficulty, and even when well done at first is always being undone by the heterogeneous influences of, and changes in, morality, and religion, and by the disintegrating influences of the constant evolution of individual rights. Much can be done in the arrangement and simplification of the mass of miscellaneous rubbish which has been accumulated by the constant collision of ancient law with varying custom, and changing morals and religion, and this must be done quickly if we are to have any certainty or intelligibility in our law at all. In any such effort it is of the utmost importance clearly to understand how positive law has its ultimate origin in human nature, and the extent to which it must be affected by everything which influences the community itself. All legal fictions and indirect modes of accommodating an apparently fixed law to a changing society may then be cleared away, and a frank recognition given to the fact that law itself does, and must, change.

In this point of view, the extension of representative institutions, by enabling the moral habits and opinions of the community to manifest themselves directly in legislation, instead of affecting law through the cumbrous and indirect methods which have been described, will be an inestimable advantage. When, however, every possible simplification and improvement of law has been made, the ideal of justice and equity will only be approached, but never quite reached, because, to adopt a simile of Burke, these ideal rights "entering into common life, like rays of light which pierce into a dense medium, are by the laws of nature refracted from their straight line."

G. J. JOHNSON.

NOTE.—In the foregoing pages I have assumed the truth of the popular view that the laws of Moses, as we have them, are all contemporaneous. I am well aware that a very different view is taken by some eminent modern biblical critics. The pertinence of the illustrations I have used does not depend on either view. They are relevant on the popular theory: they are equally so on the critical theory.

ESSAY V.

THE FUTURE OF WOMEN.

"Deal with us nobly, women though we be;
And honour us with truth, if not with praise."

THERE are few questions on which it is more difficult to form a correct judgment, than those which relate to the rights and wrongs of women. The distorted medium through which we so often regard them, the supposed truisms which long custom almost obliges us to accept without remark, the mass of feeling which we meet with on the threshold of any inquiry, and the intense and incredible prejudice with which suggestions are received which are not in accordance with inveterate usage, all tend to increase the difficulties of honest criticism, and cause no little perplexity to the dispassionate observer. I suppose there are few persons who view the present social relations between the two sexes with perfect complacency. We are told on the one hand that men are superior to women; superior in strength—physical, moral, and intellectual;

“superior in every sense in which one class of beings can be superior to another.” That in family government the husband ought to be king, and that “the most normal and honourable course of life for a woman is that of wife and mother:” that those who do not follow such a course of life “should be regarded as exceptional persons; and that the law should be based on principles adapted for the case of those who do, and not for those who do not.”⁽¹⁾ There can be no doubt that this view, allowing for some differences of opinion as to the meaning of the term “superiority,” is one that in the main commends itself to the majority of men. On the other hand, we have the expressed opinions of some of the ablest living persons of both sexes, that such ideas are untrue as well as unjust; and the distinguished champion of the rights of women has contended with no less eloquence than force that the “legal subordination of one sex to the other is wrong in itself, and now one of the chief hindrances to human improvement; and that it ought to be replaced by a principle of perfect equality, admitting no power or privilege on the one side, nor disability on the other.”⁽²⁾ There can be no doubt that his views commend themselves to a large minority of women, and to many male leaders of public opinion in this country.

The advocates of male privilege however, are for the present masters of the situation. They have made the laws which women are bound to obey. They have constructed the social system to which women are

expected to conform. They are responsible for the maintenance of the political and educational monopolies at which women have been so long gazing with eager and wistful eyes.

The belief in the general superiority of men, dating from times long passed, and confirmed and strengthened by habit, if not by reflection; the inferior position of women in the eye of the law; their exclusion from some of the graver pursuits of life, for which men only are believed to be fitted, and the palpable inferiority in their general education, have produced the results which might naturally have been anticipated.

Archbishop Whately is said to have described a woman, as "a creature who is unable to reason, and who pokes the fire from the top." The studied separation of boys and girls in the pursuits of early life, gives the former a contempt for female vocations, and induces an idea of superiority, which seldom leaves them in after years. The desire of some women for a higher intellectual training and a greater social freedom, although sometimes urged with a too passionate exaggeration which defeats its own object, is often treated with a flippancy and insolence not only heartless but cruel; and their claims to share in the work or even to help to mould the convictions of the other sex, are ignored by men whose folly is unfathomable, and who yet feel serenely conscious of their own superiority.

A man's estimate of women, of their various capacities, of their moral and intellectual nature, can

only be truly formed by the study of the two or three he may have intimately known. Two of the greatest writers, possibly the two clearest and most original thinkers of the time, have thus written of their dead wives.

"Her great and loving heart, her noble soul, her clear, powerful, original, and comprehensive intellect, made her the guide and support, the instructor in wisdom, the example in goodness, as she was the chief earthly delight of those who had the happiness to belong to her."

These words were written by Mr. J. S. Mill on the tomb of his wife at Avignon.

"In her bright existence she had more sorrows than are common, but also a soft invincibility, a clearness of discernment, and a noble loyalty of heart, which are rare. For forty years she was the true and loving help-mate of her husband, and by act and word unweariedly forwarded him as none else could in all of worthy that he did or attempted."

These words were written by Mr. Thomas Carlyle on the tomb of his wife at Chelsea.

If we could but isolate ourselves from the habits and modes of thought of to-day; if instead of being bound by custom or the traditions of old times, or the opinion of the majority, we were to accept nothing on authority, but were to endeavour to evolve by whatever light might be within us, a system of relationship between the sexes, best fitted for modern society, which of the two conflicting theories should we adopt? Which would be most in accordance with the requirements and necessities of mankind? The question is of great importance, and requires in more than an ordinary degree an open and unbiassed mind.

It is certain, however, that the progressive characteristics of the age are not confined to one sex. Some changes in the existing modes of thought are imminent, and some readjustment of the relations of the sexes is rapidly becoming a necessity of the times.

What is the true place of women in the social order? What are the aims, noble or ignoble, which it is the object of their lives to gain? It is not a little remarkable that we should be always finding it necessary to construct a theory about them. Men do not give themselves much trouble to account for their own existence. Books are not written to point out their exact position and influence in society. They accept the situation. Their lives are spent in turning to the best possible account the various occupations to which nature, or necessity, or education, has called them. But with regard to women we are always constructing theories, and our theories are based upon our conception of an ideal.

There are only two ideals. The one is that of woman in relation to man—the other in relation to herself. The one is founded on the biblical story that a rib was taken from Adam while he slept. It assumes that as woman first formed part of man's physical nature, so her mission is to be his complement—a helpmeet,

“A Link among the days, to knit
The generations each with each,”

a companion, a housewife, not unfrequently a slave. This is the complementary or rib theory of woman.

The other is founded on the belief that woman is to be the founder of her own destiny, and the arbitress of her own happiness; that she has what more than one religious system has denied her—a soul; that she has to find her way to God by the use of her own intellect and conscience; and that so far only as she can do this uninfluenced and unfettered, is she likely to fulfil the requirements of her highest nature, and to obtain her ultimate reward. This is the individual or independent theory.

The former theory has different phases, depending upon the higher or lower degree of civilization of those who hold it. In early and barbarous times, when the right of the strongest was the only law of life, woman was prized only in proportion to her physical powers. In one capacity she was simply a slave of the most pitiful kind; in another her life was one long round of “continual, abject, and unrequited toil.” In a sparsely populated country, could she bear many children; if the nation was warlike could she train them when young to purposes of usefulness to the state? If so she fulfilled the requirements and conformed to the standard of the age. But if not, her life was a blank, she was an encumbrance rather than a helpmate, she was under a reproach among women. One of the greatest of Greek historians did not hesitate to affirm that the highest merit of woman was to be “not spoken of either for good or for evil.”⁽³⁾

As civilization advanced, the purely physical part of the dependent theory was found no longer tenable.

Woman's sphere became domestic, but her mission was still to minister to the wants and comforts of men. Any higher impulses were discouraged. Longings after a more stirring existence were sedulously put down. Any attempt to take a part, however humble, in active life, in those things which gave such variety and interest and charm to the lives of her father or brothers, was treated either with coldness or contempt. Women must be modest and retiring, any indication of power was unfeminine, any acquaintance with books was distinguished only to be censured, genius was out of place. A woman, says a writer at the commencement of the present century, "must have uncommon sweetness of disposition and manners to be forgiven for possessing superior talents and acquirements."⁽⁴⁾ It is not fifty years since, says Miss Lucy Aiken, that "Dr. Gregory left as a legacy to his daughters the injunction to conceal their wit and even their good sense, because it would disgust the sex they were born to please."

In more modern times the dependent theory has been largely modified. Women have developed into social beings of a high order, and therefore a little art, or a little literature, or a little philanthropy, is added by a considerate age to the other recognized ingredients which make up their common life; but still man's interest is the key note, in unison with which all womanly chords must vibrate, his happiness is her *raison d'être*.

In a recent number of the *Quarterly Review*, a

journal which may be taken to represent the thoughts and opinions of a large class of highly educated Englishmen, and in an article which contains much practical wisdom, the following sentences occur.

"The sphere of woman is home. Such a cultivation as will make a really good wife, sister, or daughter, to educated men, is the thing to be aimed at." "Sensible men will always prefer that the good sense and cultivation of women should have come through channels which *they* recognize as suitable for the womanly character. England is not prepared for either female suffrage, or a female Parliament, for women as Poor Law Guardians, attendants at vestries, public speakers, public lecturers, doctors, lawyers, clergy, or *even to any much greater extent than at present as authors.*" "The duties of women do not to any great extent lie in the intellectual direction." "Marriage, domestic and social duties, education and charitable works, are the true ends of women's existence."⁽⁵⁾

It is sufficiently obvious that there is a growing feeling of revulsion against the theory of the absolute subjection of women. Universal custom is in its favour. Precedent and authority are enlisted in its behalf. But the preachers of the new faith are appealing to the higher nature of both sexes with a genuine enthusiasm which challenges our admiration, if not our assent.

They will be certain to make themselves heard. The time for ridicule is passed. Their cause has come up for judgment, supported by advocates of tried competency and of invincible courage. The position of the female seceders from the orthodox ideas is not very difficult to understand. They repel with a fixed determination, and not without a certain satire, the prevailing idea that the main object of their exist-

ence is to please men. They decline to believe that it is in the Providence of God that one-half of the human race, with hopes as wide, with aspirations as lofty, and with souls equally immortal, should be created only to minister to the pleasures, to the necessities, or even to the highest aims of the other half. They admit that home duties, the cares of maternity, and domestic or social relations, form the first and perhaps the main object of their lives, but they demand the right of mixing to a greater extent in the active life of the world. They point out that there are countless thousands of their sex who have no adequate means of employment, and who are leading useless and wasted lives. They lament that the supposed differences between the sexes have left them in a position of hopeless and helpless inferiority, to the marked detriment of their own nature and capacity, whilst beyond all doubt it has tended to increase the vast area of the selfishness of men; and they urge that if the free use of their faculties is awarded to them, together with a free choice of their occupations, and a higher and better education, not only would great suffering disappear, to be replaced by a healthy and honourable activity, but that the mass of mental faculties which is now available for the service of mankind would be largely increased.

I have said that the rights and wrongs of women demand, in no ordinary degree, an impartial and unbiased consideration. I propose to inquire to what extent and in what manner our prevailing modes of

thought with regard to women might be varied with advantage to them, and with gain to the state. In doing so, I venture to record my protest against the unworthy gibes with which those who have dealt with this subject are so painfully familiar. Surely it is possible to treat questions of such general interest and importance with a certain lucidity of mental atmosphere; to criticise without prejudice, to praise without servility, and, if need be, to censure without passion.

It is fortunate that we possess a starting point on which all parties are agreed. Women are physically inferior to men, greatly and unmistakably inferior. No advocate of women's rights has ever urged that they should become soldiers or sailors, that they should be eligible for admission into the Fire Brigade or the Police Force. The Amazon has always been considered by both sexes as a poetic monstrosity. This physical inferiority is of greater importance than many women are prepared to allow. It involves the assumption that in that large class of occupations requiring physical power, by means of which so many men obtain a livelihood, and in all other pursuits, even of a purely intellectual character, where prolonged effort or continuous exertion is necessary to command success, women are unfitted to succeed, or at least can only attain to so moderate a degree of excellence that the ordinary laws of competition will drive them out of the field. This inferiority is both permanent and certain. No training,

or exercise, or physical development will make up for the inevitable deficiency, or change the existing state of things. It is idle to war with the impossible—to attempt to subdue physiology. The difference is a physical difference, and any system which assumes the perfect equality of the sexes on this point, or any system of culture or education which fails to address itself to these palpable differences, is certain to be productive of irreparable harm. It is enough that grace and loveliness are equally important with strength in the economy of mankind; and that force of character does not necessarily depend on physical power. One sex naturally supplements the short comings of the other.

With regard to the mental faculties, the word “inferiority” is probably not the term to use. There are some who say that the brain of the average man is larger than that of the average woman, but this assertion has been constantly denied. In most cases where experts are called to give evidence there is plenty of testimony on both sides. Assuming the fact, we have still to determine the degrees of quality as well as quantity, and the exact relations between the brain and the intellectual powers. The only satisfactory test of general female capacity is that of observation. Now, it is beyond all doubt that in all ages and in all countries women of the highest order of genius have been extremely rare. “No woman has ever been a great mathematician; no production in philosophy or science entitled to the first rank has ever been the

work of a woman." No great work on theology from a woman's hand has been added to the literature of any age. We have had no great female poet, and, more remarkable still, no female Handel, Mendelssohn, Beethoven, or Mozart.

Mr. Mill tells us that our judgment should be held in abeyance, for upon these points experience has not afforded us sufficient grounds for induction. But I venture to think that his opinion is opposed to evidence not only ample in its amount, but extending over a sufficiently long period of time. To put Sappho in the same rank as *Æschylus* or *Sophocles*, and to argue that *Socrates* sometimes resorted to *Aspasia* for instruction, seems to exhibit the weakness of the cause which he so eloquently defends. Observation convinces us that women are deficient in those elements of genius which consist of originality or creative power, while they possess in a high degree those other elements of genius which consist of intuition, perception, and even administrative capacity.

The question then arises, are such differences innate, or are they to any extent the result of that position of inferiority and dependence to which women for so many ages have been ruthlessly condemned?

Assuming, as the fact is, that as a rule women are less original, less logical, less powerful, less thoughtful than men are, is it not possible that the various social influences to which they have been subjected have created the differences which everyone observes? We have shut them out from many occupations which

would have developed their character, and possibly would either have produced or have strengthened qualities in which they are now deficient. It is an admitted fact that the result of many of the differences between male and female nature are distinctly traceable to systematic differences of education. For a long course of years from their earliest childhood, it has been impressed upon women that they are naturally inferior to men, that they are unfitted to mingle in the active life of the world, but that there are specific duties of a domestic and social character in which they are alone fitted to excel, and which therefore ought to form the sole aim of their lives. Having so trained and educated them, and having carefully cut them off from the means of forming just conclusions for themselves, we point to the creatures of our own creating, and with an almost incredible meanness we quote the results of our own system of training, as arguments to prove the natural incapacity of the sex to share in any of the higher aims of life which we have arrogated exclusively to ourselves.

But this is not all. It is not only that we have impressed upon women from childhood the prevailing ideal. There are instincts in us, as Miss Cobbe has pointed out, deeper than any conscious or unconscious imitation of a type.⁽⁶⁾ We are born both sexes alike, inheriting to a very large extent the distinguishing characteristics of the generations that have preceded us. The positive and negative influences that have been at work for so many generations have not

failed to produce their impression. Suppose that since the days of Queen Elizabeth it had been the universal custom in England to train women carefully in the study of mathematics. Suppose that such a system had been carried out with extreme regularity and as a thing of course. Is it not almost certain, that an aptitude for figures and a capacity for sustained reasoning and close thought, would have been a distinguishing characteristic of modern Englishwomen? Again, the faculty of intuition, the capacity of seeing quicker and often further than men, is admitted on all hands to be one of their natural gifts. Suppose we had given their intellect fair play for all these years, instead of teaching them so many trivialities and systematically keeping great things from them, would not the type of the modern Englishwomen have been far different from what it is? Not only, says Professor Tyndall, does the woman of the present day "suffer deflection from intellectual pursuits through her proper motherly instincts, but inherited proclivities act upon her mind, like a multiplying galvanometer, to augment indefinitely the force of the deflection. Tendency is immanent even in spinsters to warp them from intellect to baby love."⁽⁷⁾

In one of the most striking passages in Mr. Buckle's "History of Civilization in England," he tells us "that the most valuable additions made to legislation have been enactments destructive of preceding legislation, and the best laws which have been passed have been those by which some former laws have

been repealed.”⁽⁸⁾ A similar remark may well be applied to our paternal government of women. The time, I trust, is not far distant when our social code will be remodelled, and some of its more stringent provisions abrogated altogether. There is room enough for any good and noble work which women may find themselves able to accomplish. We must repeal the protective duties, legal and social, which we have established in favour of ourselves. We must give women a chance. We must cease to trammel them in the race of life. We must be content to let their work and its results speak for themselves.

“A woman cannot do the thing she ought,
Which means whatever perfect thing she can,
In life, in art, in science, but she fears
To let the perfect action take her part
And rest there.”⁽⁹⁾

Whatever concessions are obtained by the women of the future, there seems no good reason for doubting that the parliamentary franchise will be among the number. Whatever reasons, either of principle or of detail, might be urged against other concessions, the claim of women to the suffrage is one that cannot be denied on any grounds of justice or expediency. From the earliest periods of our history to the present hour, the right to the suffrage has in the main been co-existent with the ownership or occupation of property. There has never been any test either of social or intellectual fitness. The right to vote in counties, depending

as it does to so large an extent upon the ownership of land worth forty shillings a year, has owing to the great reduction in the value of money been brought within the easy reach of the most humble classes in society. The occupation of any dwelling-house, however small, within the limits of any parliamentary borough, confers the franchise upon the occupier. The owner in the one case, and the occupier in the other, may be the most ignorant, the most drunken, the most brutal of men ; but his right to the franchise is not thereby affected in the minutest particular. He may be coerced into voting by a landlord, or he may take bribes from a candidate, yet as representation is the necessary incident of taxation, he has one voice in the election of his representative in Parliament. But if a woman occupies a house worth £500 a year, if she is the owner of half a county, if she is as learned as Mrs. Somerville, as eloquent as Madame de Staël, if her household is the envy of her friends, or the administration of her estate the pride of her neighbours, she is still classed in the same category with children, paupers, and persons of unsound mind ; she has no voice whatever in the election of her representative.

The present First Minister has laid it down as an axiom of politics, that to justify the denial of the franchise to any person, it is necessary to allege either personal unfitness or public danger. If this is true, which of these objections can be alleged against the women of England, who own property,

who occupy houses, and who pay rates and taxes like the more favoured half of mankind?

It is urged sometimes, with an appearance of gravity, that the interests of women will always be sufficiently represented by the other sex. Experience, however, does not seem wholly to have justified this agreeable view. The existing laws, for instance, with respect to the property and earnings of a married woman are a disgrace to an age which boasts of its refinement and its civilization. It is quite evident that women will obtain all the sooner whatever additional social freedom it is right for them to have, when they can address honourable members in the character of their constituents. It has been calculated that something like one-sixth of the houses in boroughs are occupied either by widows or unmarried women, who, but for the accident of their sex, would be entitled to the franchise. Is any practical end secured by divorcing from its just share of representation one-sixth part of the occupied houses in our parliamentary boroughs?

Next to religion, there is no question of human interest at once so ennobling and so interesting as the study of politics. There is no subject on which men of all classes, however slight their ability or small their culture, consider themselves so well qualified to express their opinions. And yet of all subjects this one of politics is considered the least to accord with our conventional ideal of woman's mission.

It is quite possible to understand the reasons which have led to the exclusion of women from many

walks of life for which they have hitherto shown themselves unfitted, but it is wholly impossible to understand the perversity of the system which gives a woman of property no direct voice in the election of those who tax her, which excludes her from doing that which beyond all doubt she is able to do, and that too at a time when the systematic admission to the franchise of all sorts and conditions of men, has made the gulf thus fixed between the sexes deeper and more unmeaning than before. There is no adequate reason based upon public interest or personal fitness for the refusal of the suffrage to women. Its concession could not in the slightest degree interfere with their general or domestic avocations. It would enlarge their experiences, possibly their modes of thought. It would insure a more direct representation of their special interests, which hitherto have been so constantly neglected, and it would encourage in them a healthy and intelligent interest in national affairs. Their exclusion is contrary to political morality, because it is contrary to the most widely recognized principles of English legislation, and it is supported mainly by the advocates of the lowest theory of woman's ideal and by the slaves of the despotism of custom.

It was impossible to regard without some sympathy, even if with some little amusement, the strenuous efforts which the leaders of the movement made to enfranchise themselves previous to the last general election. Basing their claims upon what might have proved a technical error in an Act of Parlia-

ment, they demanded the suffrage upon the ground that it might possibly have been the object of the legislature to concede it. Their efforts were not successful, but they were not thrown away. They proved that public opinion was strong enough to bring into unenviable notoriety a revising barrister who not only rejected their claims with scorn, but imposed upon one of them an arbitrary, unmannerly, and vexatious fine; and they practically secured the right of all the women in England, properly qualified, to the free exercise of the municipal franchise. The world has borne the acquisition by women of this important concession with considerable equanimity. But if the municipal franchise is conceded, any arguments against the parliamentary franchise can no longer be entertained. The right to vote, notwithstanding the recent decision of the House of Commons, will yet be made with women, as with men, co-existent with the ownership or occupation of property. If a woman gives up her qualification as an occupier and goes to reside in the house of her husband, her right to vote will cease. If her qualification is that of an owner, she will, under new laws regulating the property of married women, continue to exercise it as if she were unmarried.

The tradition that female objects in life are separate from those of men is rapidly receding into the antiquity from whence it came. The common assertion that a polling booth is not a fit place for a woman, is answered by calling upon the objector to state the grounds for his asser-

tion. A polling booth has often been, unhappily, a very unfit place for a man. But the recent Report of the Select Committee of the House of Commons on Parliamentary and Municipal Elections, proposes to abolish the only inconvenience to which a female voter might accidentally be subjected. The Bill introduced by the Marquis of Hartington will probably become law during the present session, and it is almost certain that the next general election will be conducted on the principle of secret voting.

Of course it is open to any one to argue that in the right to vote for a candidate, is also implied the right to sit for a constituency. But this argument involves certain cardinal objections. Women at present have not shown any indication of a wish to sit in Parliament. It does not seem possible that they could even maintain a continuous agitation upon such a subject. If such an agitation were to become possible, the subject might have to be reconsidered. Certainly there are persons and classes now sitting in the House of Commons, or whose admission would be counted an advantage, against whose claims the public cry was as vehement at one time as that against the admission of women would now be. But the physical constitution of women would break down under the prolonged exertion of a laborious session, and those who could undertake the duties of a political life are so few, and the competition they would meet with so severe, that the difficulties in the way of such a course of life may fairly be considered as insurmountable. So

far, however, as the franchise only is concerned, no such difficulty exists; the design of our constitution would be preserved, new ideas, new feelings, new experiences would be added to our legislative life, and many important public interests might be permanently secured.

Among the many anomalies which have resulted from female subjection, there are none more remarkable than those which relate to the property and earnings of married women. Out of nearly three and a half millions of wives in Great Britain, upwards of eight hundred thousand are employed in trades or professions of various kinds. By the common law of England a husband is not only practically entitled to the entire property of his wife, but he has the absolute right to seize and dispose of whatever earnings she may acquire during the marriage. The wife has no legal existence separate from her husband. She can make no contract; she cannot sue or be sued. Her existence, to use the quaint expression of English law, is "merged" in that of her husband. So far, indeed, as the right to her property is concerned, the merger may take place long previous to her marriage. It is, perhaps, not generally known that if after the commencement of a treaty for marriage, the intended wife makes any disposition of her property without the proposed husband's consent or knowledge, the law will defeat any such disposition on the ground that the possession of such property may have been a weighty

inducement to the proposed husband to enter into the contract. Consequently, after a treaty for marriage has been commenced, any disposition so made of the property of the intended wife is not binding upon her subsequent husband. It is a refinement of cruelty, that it makes no difference whether the proposed husband is aware of the intended wife's fortune or not. A lady may be possessed of £10,000 in the funds. She may engage herself to a rich gentleman. She may withdraw £2,000 of her fortune and settle it upon a widowed mother or an invalid sister. Her husband may be in absolute ignorance until his marriage that she possesses any fortune at all, and yet the law will set aside the settlement at his instance, on the ground that the wife's careful provision for a mother or sister is a fraud upon his *marital rights*. It is hardly to be wondered at, therefore, that the present Chancellor of the Exchequer should have indignantly inquired what crime there was in matrimony, "that the woman who committed it should be visited with the penalties of high treason, and have all her property confiscated;" or should have stated that by the present state of the law "a man without a shilling might marry a woman of great wealth, and, by studying the law of cruelty to perfection, might, by a course of conduct which would be just within the law, drive his wife and children from him, seize their property, and reduce them to misery and destitution, while he fattened upon the spoils of the unhappy woman whom he had sworn to love and to cherish."⁽¹⁰⁾

In cases of intestacy, the gross inequality in the legal position of the sexes is even more apparent. A son succeeds to the freehold property of his father, to the exclusion of a daughter. If the son dies without children, his younger brother succeeds, and so on till all the brothers are extinct, and then, on the termination of the male line, and not till then, the daughters are entitled (all jointly, as coparceners) to the estate of their deceased father.

The suffering which results from the manner in which Englishwomen are treated by the law is both considerable and well known. The wife of a drunken or profligate husband may carry on a little business, may keep her house and children in cleanliness and comfort, may even put a little money in the savings bank. The husband swoops down upon the house, renders it miserable, takes possession of the scanty earnings of the wife, draws the money from the savings bank, and again absents himself from home, to make another visit when the revived energies of his unhappy helpmate shall have made it worth his while. In a vast number of cases where husbands are improvident, everything that a wife can earn is soon swallowed up, and it is the knowledge that these earnings are legally the husband's property that is one of the chief causes of the wretchedness that exists. It is too often the cause of idleness and drunkenness on the part of the husband, for in a bad man it takes away the natural incentive to labour. It also removes the wife's motive for exertion; for she

knows that the earnings which might otherwise be spent upon her children or her home, may be forcibly taken from her at any time. It removes that moral control which a wife with a little money, or the power of earning it, can easily exercise over an idle or dissolute husband, and it constantly plunges whole families into misery and ruin. The protection-orders issued by magistrates are miserably inadequate to the necessities of the case. Not only are such orders not obtainable except in cases of desertion, but they can be discharged at any time at the discretion of the magistrate. Even if protection-orders were extended, the grievance would not be remedied; the order of protection would in most cases arrive after the earnings to be protected had disappeared, and it is needless to dwell upon the well known difficulty of inducing wives to parade their domestic grievances, or even the danger they incur in supporting applications contrary to the interest of their husbands.

The upper and middle classes have always striven to counteract the gross injustice of the Common Law of England. The general custom of marriage settlements protects them from the misery to which the lower classes are exposed. The custom by which a girl's property is settled upon her at her marriage, not only insures some kind of provision for herself and her children in the event of the failure or death of her husband, but undoubtedly in many households causes her to be treated with additional consideration and respect. If property is bequeathed to her during

marriage, and this contingency is not provided for by the settlement, she is still to some extent under legal protection. The Court of Chancery has mitigated the severity of the Common Law by an ingenious contrivance, call a wife's "Equity to a Settlement." If, for instance, a wife receives a legacy of £2,000, the Court will order half of it to be settled upon her, to secure her against possible marital improvidence, and will hand over the rest, as an ordinary matrimonial perquisite, to the husband or his creditors. And so strong is the leaning, even of the Court of Chancery, in favour of the husband, that in a well known case where a man had deserted his wife and was living with another woman, the Court declined to settle the whole of a sudden windfall of £6,000 upon the injured wife, but gave her only three-fourths of it, allotting the remaining fourth as the smallest amount that was equitably payable to the scoundrel who was her husband.

The supporters of the existing law are never tired of telling us that the right of husbands to the property and earnings of their wives is the consideration due to them for the various obligations which they incur by matrimony. What are these obligations? Legally they are threefold. A husband is responsible for all the debts of his wife contracted previous to the marriage; he is bound to provide her with necessities suitable to her condition; and he is solely liable for the consequences of any criminal action she may commit in his presence, the law assuming

that it is done by his command. So far as the first responsibility is concerned the amount of credit which an unmarried girl, however badly disposed, is likely to obtain, is so very moderate, and the instances of her obtaining it so extremely rare, that the husband's liability on this head is not deserving of serious consideration. But he is bound to maintain her in a manner suitable to her position. Truly. He is bound to her as much, and no more, than under the Roman law a master was bound to do for a slave—he has simply to provide her with necessaries. If a married woman orders more silk dresses than a jury may consider necessary for her position in life, her husband is not bound to pay for them, she cannot be sued, and the too confiding tradesman is left out in the cold. The husband's liability for the wife's criminal acts is also unworthy of consideration, as whatever liability exists, he must, from the necessity of the case, have already incurred on his own account. So that it comes to this, that for the legal obligation of providing a wife with the ordinary necessaries of life, a man is entitled to the whole of her property. A distinguished legal commentator has observed "that the very legal disabilities to which women are subjected, showed how great favourites they were in the eye of the law." It is not very easy to appreciate the ponderous joke which lies hidden in these words. The inquisitive person who inquired from the phrenologist what manner of men those were who possessed at once the organs

of destructiveness and benevolence, received for his answer—"Those who kill with kindness." The English law would seem to be afflicted with a phrenological development of this kind. Female subjection is obvious enough; but the kindness that establishes or perpetuates it is not so easily observed.

Women are asking for a revision of their legal disabilities, with a view to their removal. It seems sufficiently certain that the women of the future will be emancipated in this respect. We are already on the eve of important changes. A Bill to protect the property and earnings of married women, was introduced by Sir Erskine Perry in 1857, the second reading of which was carried by 120 votes to 65. The matter rested till 1868, when Mr. Shaw Lefevre introduced a similar measure at the instance of the Society for the Amendment of the Law. The opponents of change mustered in such force on this occasion, that the House was equally divided, 123 members voting on either side. The casting vote of the Speaker was given in favour of the second reading, and the Bill was referred to a Select Committee. A measure similar in principle was introduced last Session by Mr. Russell Gurney, and after an interesting discussion, the second reading was carried without a division, and the third reading by a majority of four to one. Notwithstanding all this incipient legislation, no practical result has yet been arrived at. Two measures have been introduced during the present Session of Parliament, but the amount of public business now before

the House renders it highly improbable that they will receive sustained attention.

The measure, which has again been introduced by Mr. Russell Gurney, has passed the third reading. Its details are very simple. A married woman is made capable of holding and dealing with her own property as if she were unmarried; her earnings become her own. Her husband ceases to be liable for any debts contracted by her before marriage, or to be responsible for any wrong she may commit during marriage. If the wife makes contracts for the husband, or the husband for the wife, each is to be considered as surety for the other. A married woman's separate estate is to be liable for her own contracts, and questions arising between husband and wife relating to property are to be settled in a cheap and expeditious manner. Sooner or later the main provisions of this Bill are certain to become law. Some alterations, however, are indispensable. A wife should have larger powers of disposition of her freehold or copyhold property. She should be made directly liable for the support and maintenance of her household. A widow should have no right to dower or to any interest in her husband's property until his creditors are paid. In cases of divorce, a husband ought no longer to be liable for costs to enable a guilty wife to carry on a suit, unless the court is satisfied that she is otherwise unable to do so. No allowance for subsistence during a pending suit should be allowed to a wife if the court is satisfied that she is able to maintain herself without it, and no

permanent subsistence ought to be granted if a separation or divorce is the result of a wife's misconduct. These, however, are matters of detail. The principles of the measure may be considered as already adopted by the legislature. A certain exaggeration in the manner in which just claims have been urged both by women and their advocates may be pardoned, as being a natural reaction on the part of those who have all their life time been subject to bondage; but now the course of events obliges us to see that wives do not obtain important and unjust rights as respects their husband's property, in addition to the exclusive guardianship of that which is their own.

Of course there are those who still raise the old cry, that the change is revolutionary, and will impair the confidence which ought to exist between husbands and wives. But the confidence which is founded on injustice tempered by ignorance ought to be impaired. The reciprocity must cease to be all on one side. Women only ask that, with the exception of a joint liability for the maintenance and education of children, a husband and wife shall be placed in the same legal position as a brother and sister keeping house together. In making this concession we are only following the example long since set us in Russia, France, Germany, India, and some of the United States. The change would "sweeten the breath of English society." Women would take as a right the possession of that which in the upper and middle classes is always secured to them by cumbrous and unwieldy machinery.

It would place women on more equal and honourable terms with men. It would elevate their position and influence. It would give a stimulus to the industry of thousands of humble women, and would put a stop at once and for ever to numberless cases of injustice and oppression.

When female suffrage has become part of our English political system, and when tardy justice has been done to the claims of women to control their own property and earnings, they will demand, with even more persistence and earnestness than at present, a higher intellectual culture, and a wider social life. Of course, these two things are blended intimately together, but as there are many persons who desire for women the highest possible education, and at the same time view with a sort of distrust their admission to pursuits and occupations hitherto held to be the exclusive province of the other sex, it is desirable to give each question a separate consideration.

It will, I think, be conceded that for the purposes of general education, for creating or strengthening character and intelligence, or for the purpose of fitting women to carry on some of those occupations from which custom now excludes them, they have an undoubted right to the same access that men have, to every existing means of intellectual culture. "Let us fix our minds," says Dr. W. B. Hodgson, "on the vast utility and the great need of liberal mental culture for all women, whatever their destiny in life."⁽¹¹⁾

I am aware that their claim for a wider social life, their right to interest themselves in the active occupations of the world, and to undertake some distinct occupation or calling as a thing of course, is relentlessly opposed by those who would grant them the fullest education, or even the right to the franchise. And yet such claims would seem to be based upon considerations which cannot easily be put aside.

It is quite certain that a vast number of women have a strong desire to earn a livelihood for themselves. They crave for labour of some kind. Amongst the lower classes labour is not so much a choice as a necessity. The workshops and factories of our large towns are already crowded with women. They have brothers or sisters or families to support. With them it is sometimes a choice between free labour and the workhouse. No one ever denied the right of these women to work for their daily bread, or doubted the necessity or the expediency of it. But the moment we consider the case as applying to the middle or upper classes, all is changed. If they are not already provided for, their fathers or husbands work for them. The *necessity* for labour does not exist. They lose caste by attempting it. The unwritten laws of society are strong against them. The consequence has been that the only line of life which has been open for women above the labour class has been that of tuition. The market has been terribly overstocked. The stipend obtainable by the daily labourers in this unfruitful vineyard has steadily diminished, while the

labourers have increased in number ; and we have seen constant cases of women of education and refinement accepting, for services of the most important character, an amount of remuneration which would be scornfully rejected by a butler or a cook.

There are few men, however engrossing their special occupation may be, who do not impart a variety and zest to their daily lives, by a constant and active participation in some of the various human interests by which they are constantly surrounded.

The man of business, or the professional man, who is that and nothing more, is generally the dullest, and often the most miserable of men. But the man who though maintaining his bread-winning occupation zealously in the first place, yet takes his fair share in the wider life of the world, in politics, in science, or the arts, is not only better fitted for the special labour of his life, but rising superior to the dulness and insipidity inseparable from a single occupation, lives a life that must contain many elements of nobleness, and is capable of rendering genuine service to mankind. Why should women have no such opportunities afforded them? Why should they be shut out from these actual and reflected advantages? We are perpetually teaching them that they must properly qualify themselves to be wives and mothers, forgetting that many of them may never be wives and mothers at all; forgetting that if their education is addressed to that aim only, and to no other, it will constantly fail in attaining it; forgetting that the

standard of obligation which we set up tends to vitiate their lives and destroy their power of usefulness; forgetting that we are encouraging "the righteous discontent of souls which are meant to sit at the Father's table, and cannot content themselves with the husks which the swine did eat."⁽¹²⁾ Who is there who does not number amongst his acquaintance many women brought up in accordance with the straitest sect of modern orthodoxy, with capacities which have never been developed, with hopes which have never been realized, who have duly qualified themselves for the profession of finding husbands in accordance with the established rules, but who have found out too late that their sole qualification for existence has not availed them anything, and that their lives have been rendered vacant and unhappy. What thoughts come home to the regulation matron of the nineteenth century, when she hears the mournful notes of the "sweet bells jangled, out of tune, and harsh." What answer has she ready for her daughters, who come to her with the fruits of their misdirected youth—fruits not of the tree of knowledge, still less of the tree of life, but dead sea apples already turned to ashes, and typical of a future without resources and without hope.

Admitting, as we must admit, that numbers of women capable of rendering excellent service to humanity, are pining for useful and active occupation; admitting that many do not marry or have no families, or if they have, are yet insufficiently occupied—surely it is worth considering if there are no means of use-

fulness which could be afforded them without injuring any of their distinctive characteristics which are really worth preserving.

It is said of one of the most able and successful of female artists, that "she had no patience with women who asked permission to think," and that she urged them to establish their claims, not by conventions with men, but by the performance of great and good works of their own. She was a priestess of her own faith—she made no conventions, but she knew what she had to do and did it, and set at rest for ever the question of whether women are capable, in certain high walks of art, of competing with men on equal terms.

Women ought freely to be allowed to do whatever they can show themselves capable of doing. Nothing succeeds like success. They have a right to whatever place in the social order they can win for themselves. It may not be in accordance with the *Quarterly Review* theory of woman's mission, that they should write more books; but some of the most striking and original contributions to modern English literature have been made by women. The world will remember the vigorous and original pages of *Jane Eyre*, though the hand that penned them was that of a frail lady, in a solitary parsonage on a northern moor. The subtle insight and powerful delineation of character which distinguish the authoress of *The Spanish Gipsy* and *Adam Bede* are sensible and permanent additions to the literary wealth of the English people. Some

may think it unfeminine for women to become painters, but Rosa Bonheur can compete with Sir Edwin Landseer in one branch of art, and in another Miss Mutrie has probably no living superior. There are many persons who think violin-playing an unwomanly accomplishment, but no one can hear Norman Neruda's performance of the masterpieces of Haydn or Mozart without being led to the irresistible conclusion that no instrument is more fitting or more graceful to a woman than a violin. A few years ago the idea of a Protestant lady becoming a hospital nurse would have been treated with scornful incredulity. Now one of the few happy reminiscences that survive to us of the Crimean campaign is that of the delicate woman who ministered in the hospitals at Scutari, and whose influence has been such in this country that the whole system of hospital nursing is being rapidly remodelled. It was not conceivable at one time that an Englishwoman should ever be a physician, but now London has the benefit of the services of at least one well-trained and accomplished doctress, of whom many of the most eminent metropolitan physicians are constantly speaking with admiration and regard.

It may be an open question whether the power of earning is or is not essential to the real dignity and happiness of a woman; but at least it is certain that she has a social right to exercise such power if necessary; and it is equally true that women have proved themselves capable of doing most things for which they have been hitherto believed to be un-

fitted. A real superiority will show itself, however difficult may be the circumstances in which it is placed. "Against the power of genuine ability class jealousy is impotent."

I do not say that all women of the middle classes should be brought up to trades or professions; numbers of them would have neither the capacity nor the inclination for such modes of life. There are some employments in which women only are engaged; there are others in which both sexes already compete on equal terms. I venture to assert that it is contrary to public interests that women should be forcibly excluded from any kind of occupation. If they have special faculties in any particular direction, such faculties should be allowed a reasonable scope for expansion. It is useless to attempt to crush the longings that women are developing for more interesting and useful lives. If such longings are not ephemeral, parents will do well to insure for their daughters some definite and suitable occupation. It is not possible to overestimate the advantages which would result from men in trades and professions allowing their daughters some participation in the work of their daily lives. What girls want is a larger observation of the world, and a deeper knowledge of human nature. It is a lamentable fact that there are numbers of women so ignorant of the commonest details of business, that they do not understand the meaning of giving a receipt on account. No story is more common than that of a woman, who has some property, and has

noble and generous impulses, who will calmly sacrifice all her prospects in life for the benefit of a worthless brother. He has deceived her once, perhaps twice, but she still believes in him, and, unless restrained by some judicious and unimpressionable adviser, she deprives herself of the capacity of permanently assisting him by placing the whole of her capital in his reckless hands. Such noble and generous impulses are fortunately not rare; but it is only by proper training that method can be given to the madness of female generosity.

There are few of our merchants and manufacturers and professional men who could not largely avail themselves of the services of their educated and competent daughters; and if such services could be rendered generally available, it is not too much to say that a wider and more fertile social life would arise for mankind. Men's occupations would in no sense be prejudiced, whilst women would at once find that outlet for their faculties for which many of them have been so long striving. A certain responsibility would increase their self-reliance. A capacity for earning would remove their sense of dependence; a definite occupation would bring both health and cheerfulness; and the larger experiences of life would give force and completeness to their mental character.

Nor would women be deprived of the power of acquiring those peculiar accomplishments which befit their sex. It is possible that girls with no taste for music would cease to spend years of toil in learning

the art of performing very badly pieces of music which no one wishes to hear; and that those with no taste for drawing would no longer be obliged to make an indefinite number of bad copies of doubtful works of art. Most accomplishments are acquired in the intervals of severer studies.

The advantages accruing to men would scarcely be less important. Young wives would have acquired something more than the specific knowledge which they think enables them to manage a household with efficiency; women would be able for the first time to take a genuine interest in the objects and pursuits of men, and would become more and more their companions and friends.

In cases where women exhibit a strong interest in a particular occupation and a determination to continue in it, parents should afford them an opportunity of doing so. The necessary capital would rarely be thrown away. It would not be expended until the desire for the occupation became so strong, that an investment for such a purpose would be a legitimate speculation. If the woman should marry it might not be necessary for her altogether to give up her occupation. It might even provide her with the means of rendering a marriage possible, which otherwise would be too imprudent to be entertained. At the worst, it would only be an insurance against the risk of helplessness—a suitable provision in case of need.

It is interesting to watch the manner in which some men have treated the efforts of women to help

themselves. The only English lady who is at present a member of the medical profession, qualified herself for the occupation of her choice with a perseverance and energy which cannot be too highly praised. She was permitted to attend the ordinary classes of many professors. In those cases where mixed classes were not permitted, teachers were kind enough to repeat their lectures to her privately. Almost all the avenues by which the profession is attained were closed to her, but finding one portal accidentally open, she passed through it, and then the janitors, horrified at the unexpected intrusion, double locked the gate behind her, and, according to present intentions, no other woman is to be allowed to enter.

It has long been thought, even by the advocates of female subjection, that women's claims to minister to suffering humanity might be allowed to pass without challenge. But the case is altogether changed if an educated woman attempts to make a living out of her occupation, and medical men stand aghast at so dangerous an innovation. Yet there is nothing modern or whimsical in the desire of women to be trained in the art of healing. The medical college at Zurich has long been open to them. The University of Paris now grants medical degrees. In Russia ladies are admitted to practise as physicians. The University of Edinburgh recently adopted some wise regulations for the medical education of women. By a minute of the University Court female students were made subject to all the University regulations,

“as to the matriculation of students, their attendances in classes, examination, or otherwise.”

Out of 232 students in one class who received the same instruction, 226 were men and six were women. Thirty-seven (including five out of the six women students) obtained honours. One of the ladies earned a Scholarship. But the wise men of the north, in a burst of angry jealousy, have refused her the just reward of her labours.

The female students, though taught at a separate hour, received exactly the same tickets of admission, heard the same lectures, and passed the same examination under identical conditions. The lady in question was awarded one of the medals which were due to the five highest students of the session, and her position as a member of the University was thus fully admitted; but with a perversity as inconsistent as it was unjust, she was refused the Scholarship, and thereby was debarred from the free right to pursue her studies in that branch of science in which she had already proved herself fitted to succeed.

Some time ago women were eligible for election as Associates by the Royal Academy. A certain interest in art has always been held consistent with the modern theories of their rights and duties. But when they began to distinguish themselves, and to show their capacity for meeting men on equal terms, with a narrowness of vision of which artists ought to have been ashamed the Academy was closed against them, and although they may still exhibit, they cannot

become Associates, and every difficulty is placed in the way of those who are anxious to avail themselves of the education of its schools.

Such acts of discourtesy and unfairness are unfortunately only too common. What is the use of treating women with an apparent deference and a superficial politeness, if we are unwilling to concede them those things which would so greatly elevate them, and on the possession of which so many of them have set their hearts. "We have had enough," says Mr. Mill, "of the morality of submission, of the morality of chivalry and generosity; the time is now come for the morality of justice. If we rob a woman of the ground on which she ought to stand, it signifies little with what grimaces of gallantry we offer her a chair."

Whatever views may prevail with regard to any of the subjects which I have been considering, there is no possible reason against women being provided with the widest intellectual culture, which it may be possible for them to obtain. Knowledge must be cultivated for its own sake, regardless of the uses to which it may be applied. The ideal of the education of a boy is that his faculties, mental and physical, should be developed; that he should be taught to think; that he should learn, by the acquisition of as much general knowledge as may be possible, the art of maintaining himself in whatever niche in the great social fabric he may be ultimately called upon to fill.

But the duties which he learns are general, not special ; his early training is not for a specific trade or profession, but for humanity ; and it is only when he is approaching manhood that his acquired or developed faculties are devoted to the peculiar necessities of his individual life. With women the case is almost reversed. The miserable smattering of ineffective knowledge which makes up what is called their education, is always directed to the supposed individual necessities of their existence. It is neither good enough, nor deep enough, nor comprehensive enough.

“Boys are educated for the world,” says Mr. Bryce in his report to the Schools Inquiry Commission, “girls only for the drawing room.” The schools in which the bulk of the young women of England are educated are not only greatly inferior to those devoted to boys, but they are not good enough even for the low standards which they aspire to attain. The attempt to construct an education by throwing together a few crude facts, to build educational walls with inferior bricks and without mortar, is common enough ; but with rare exceptions schools which aim at a thorough mental training, at the formation of intellectual habits and tastes, are conspicuous by their absence. “Education cannot be said to have failed in creating such tastes and habits because it has never tried to do so,” says Mr. Bryce, who affirms that it is not the wish of the parents to foster such habits, and therefore it is no wonder that it should not be the object of the schools. “Although,” he adds, “the

world has now been in existence several thousand years, the notion that women have minds as cultivatable and as well worth cultivating as men's minds is still regarded by the ordinary British parent as an offensive, not to say a revolutionary, paradox."

The consequence has been that girls' schools have been regarded rather as places of moral training than of intellectual culture, and after recent investigation it must unhappily be taken for granted that the state of middle-class female education in England is such as to excite the gravest apprehension.

"Want of thoroughness and foundation, want of system, slovenliness and showy superficiality, inattention to rudiments, undue time given to accomplishments, and those not taught intelligently or in any scientific manner." These are some of the charges brought by the Schools Inquiry Commission against modern female education, and with which those who are anxious about the future of women are now called upon to deal.

Experience is sufficient, I think, to convince us that the capacity of girls for intellectual attainments is similar in kind to that of boys, whatever may be the difference in degree, and inquirers of undoubted eminence have reported that in mixed schools taught by masters they have found no noticeable difference of attainments in the two sexes.

In the matter of education, women have again been left in the lurch. It is a remarkable fact that although from Berwick-upon-Tweed to Land's End, England bristles with educational endowments, only

a very scanty portion of these ample funds is ever devoted to the education of girls. Whether they were intentionally excluded by founders from participating in the benefits conferred, or whether, as no mention was often made of them, founders did not contemplate the possibility of their equal educational rights being questioned, would not now be profitable to inquire.

There is, however, one gigantic endowment, "a splendid relic of mediæval munificence," Christ's Hospital, concerning the intentions of whose founders there is no doubt. It has been always admitted that girls have a right as well as boys to share in the advantages of this noble foundation. The right has always been conceded by the authorities. The income of this great charity is nearly £60,000 a year; twelve hundred boys enjoy the blessings of education under its auspices, *and less than twenty girls!*

Is it just, or desirable, or consistent with the public welfare, that the endowments for the higher education of women should, either by design or by perversity, continue to bear an infinitesimal proportion to the similar endowments for boys? It is of no slight moment that the Commissioners have reported in favour of the principle of the full participation of girls in all educational endowments; and it is a matter of notoriety that many endowed schools, and among others that of King Edward VI, in Birmingham, are already proposing to make arrangements for carrying the recommendations of the Commissioners into practical effect.

Next in order to a sound school education comes the means by which that education may receive the necessary stimulus and encouragement. In 1863 the University of Cambridge extended its system of local examinations to girls below the age of eighteen. At first a trial examination took place with the same papers which had been used for boys, and the result was so satisfactory that shortly afterwards male and female candidates were admitted to the same examinations. The report of the Syndicate for 1867 was of a very remarkable character. It showed that the work sent up by the girls was not only done well, but that in many respects the girls were superior to the boys. "The bold step," says the report of the Commission, "of admitting girls to the very same examinations as boys was clearly justified on the part of its most enlightened advocates, by the fact that the subjects dealt with were the fundamental ones of general knowledge." The Universities of Oxford and London have followed the excellent example set by the University of Cambridge; and a stimulus is now being given of the most efficient and beneficial character to the general education of young women in England.

But assuming that the girls of the future secure the right of participating in educational endowments; assuming an enormous improvement in private schools; assuming that the examinations offered by the various Universities insure girls' work being brought into the light; and assuming that the necessary stimulus is

given to their studies, of which they so greatly stand in need ; is it desirable that no further regular opportunity for study should be afforded them ; that their education should be supposed to be completed at the age of eighteen ? Is it not consistent with an enlarged idea of women's mission that they should be allowed to carry on their studies, when they have left those establishments which are called, with a terrible irony, " finishing schools ? "

The most eminent of the Assistant Commissioners have reported in favour of an extended system of education. The views of competent inquirers tend in the direction of the establishment, particularly in large towns, of central schools, with lecture halls and libraries, in which collective instruction should be given on certain subjects, and the proficiency of pupils tested from time to time. Many persons interested in the improvement of the higher education of women have earnestly supported the establishment of the new Ladies' College at Hitchin, a college " designed to hold in relation to girls' schools, and home teaching, a position analogous to that occupied by the Universities towards the private schools for boys." It is needless to add that the proposition was met in many quarters with ill-deserved ridicule ; with stock quotations from Mr. Tennyson's *Princess* ; and with that want of consideration with which, on such subjects, custom has made us familiar. But the idea gathered force as the details of the scheme came to be fairly considered. It was supported by persons

of both sexes, whose responsible position, and accurate knowledge of the educational necessities of the times, formed the best guarantee of the value of their opinions.

The Commissioners have expressed their cordial approval of the object that has been proposed. A suitable site for building a college has been obtained; considerable, although at present totally inadequate, funds have been subscribed; and a temporary arrangement has been made by which a limited number of students commenced their college career in the autumn of the past year. The course of instruction extends over three years. About half the year is to be spent in residence; and ladies, who from various causes may be unable to take the whole course, will be received for shorter periods.

The leaders in this movement are entitled to our heartiest sympathy, and to our best wishes for the success of a scheme fraught with so many possible advantages to the future of Englishwomen. Its success can only be a question of time. It may be long in coming. It is impossible to sound the depths of the apathy which exists in so many persons with regard to the education of their female children. It is impossible to predict how soon parents may be acted upon for good by the gradual improvement of society. At present the Commissioners say, "We hear that parents look chiefly for immediate results; that they will not pay for good teaching when they might have it; that they oppose that which is not

showy and attractive; that they are themselves the cause of deterioration in competent teachers; that their own want of cultivation hinders it in their children." But whether it succeeds or not, the efforts of its promoters are entitled to respect and consideration; immense advantages will result from the free discussion of the subjects of which it is the symbol, and the genial enthusiasm of Miss Emily Davies, on behalf of the great object of her life, no less than her capacity for directing it to certain and definite ends, will infallibly meet with its well-merited reward.

I have thus endeavoured to indicate the more important points on which a change is likely to be effected in the prevailing ideas, of the position, the employment, and the education of women. I do not advocate the slightest interference with the natural distinctions of sex.

In claiming the franchise for women, I ask only that sex shall not disqualify them from the exercise of the ordinary rights which accompany the ownership or the occupation of property. In claiming a wider social life for them, I do so believing "that to be utterly devoid of interest in great transactions or ideas, is to keep a house swept and garnished for as many unclean spirits as choose to come in."⁽¹³⁾ In urging that they should be admitted to some slight share in the professional or commercial life of the world, I am urging only that they should be more fully occupied, that they

should be less dependent, that they should be able to take a deeper and more abiding interest in the daily lives of men. I am urging that the true measure of their right to knowledge is their capacity to receive it; that the true criterion of their right to labour is their power to succeed.

I would respect all characteristic differences between the sexes, but such differences should be ascertained by careful induction, and not be founded upon the hasty generalizations of ignorance or conceit. I would maintain everything that is noble in the womanly character, convinced that the enlargement of pursuit and occupation would involve no depreciation of the womanly type. I would hold up female grace and beauty as of yore to the admiration of mankind, but would urge that it is time the heavenly Aphrodite ceased to be represented as standing upon a tortoise.

I do not attempt to justify the outrageous claims for an absolute uniformity with men which some women have not hesitated to urge. If such claims are rights, they involve their corresponding obligations: the captain of no future *Birkenhead* need keep clear the boats for women's safety, nor brave men be bound on their behalf to go down silently to death.

I do not attempt to palliate the preposterous assertions we sometimes hear, that various occupations ought legally to be closed to men in order to enforce a wider field for woman's labour. These are the statements that sometimes almost justify the appellation of "the shrieking sisterhood." "I have little patience with

the freaks of feminine eccentricity which bring down the ridicule of the undeserving upon a sacred cause."

I urge, however, that we should keep an open mind upon these questions, that we should be superior to deep-rooted prejudices on the one hand, even if on the other we should often turn a deaf ear to the incessant jangling of female chains. But we cannot reap where we have not sown. We must give women the legal, social, and educational advantages which we have hitherto kept from them, and leave them to make what mark they can upon the life and history of the time. We must remove from their path whatever obstacles impede their true progress to light and knowledge.

"All must be false that thwarts this one great end,
And all of God, that bless mankind or mend."

CHARLES EDWARD MATHEWS.

NOTES.

- (1) Pall Mall Gazette, July 2, 1868.
- (2) The Subjection of Women. J. S. Mill. 2nd edit., p. 1.
- (3) History of European Morals. Lecky. 2nd edit., vol. II, p. 304.
- (4) Elizabeth Smith. 1811.
- (5) Quarterly Review, April, 1869. Female Education.
- (6) Woman's Work and Woman's Culture. Essay V.
- (7) Odds and Ends of Alpine Life. Macmillan's Magazine, 1869.
- (8) Buckle's History of Civilization in England. 4th edit., vol. I, p. 253.
- (9) E. B. Browning's Aurora Leigh. 4th edit., p. 353.
- (10) Speech on Married Women's Property Bill, June 10, 1868.
- (11) Education of Girls, p. 34, by W. B. Hodgson.
- (12) Adela Cathcart, by George Macdonald.
- (13) Saturday Review, 3rd March, 1866.

The number of English women who, from choice or necessity, remain single is very large. Not only so, but at the time of the Census of 1861, there were living in England and Wales upwards of half a million more females than males. Of all married women in certain parts of Western Europe, including these Islands, one out of every eight is not troubled with maternal cares.

ESSAY VI.

EUTHANASIA.

ONE of the very greatest practical benefits which science has hitherto conferred on mankind, is the discovery of the uses of chloroform as an anæsthetic. This will be pretty generally admitted at the present time. Still, it should not be forgotten that, on the first application of chloroform—and more especially on its earlier application to cases of childbirth—there were not wanting voices raised in warning against the innovation; men not much unwiser on the average than their fellows saw, in such attempts to escape from pain, evidence of impatience with the ways of Providence and symptoms of revolt against the decree “In sorrow shalt thou bring forth;” what they saw, or thought they saw, they proclaimed aloud, and were not sparing in their prophecies of evil to come on those who practised, and those who submitted to, the innovation they denounced.

Objections of this kind, however, quickly gave way before the clear, indisputable benefits secured by the new discovery; and now we hear no further protests raised against the administration of chloroform wherever violent and temporary suffering has to be dealt with, whether that suffering proceed from childbirth or be threatened by the surgeon's knife.

The words "temporary suffering" are used advisedly; for if it were proposed to have recourse to chloroform in all cases of difficult and painful death as well as of difficult birth, the proposal would, most likely, be scouted as too outrageous to merit serious discussion; yet it may well be doubted, if objections to such an application of anæsthetics are one whit better founded than were those earlier protests against their introduction: and it is difficult to understand why chloroform should rightly be resorted to, to render less painful the naturally painful passage into life; and yet, that it should be almost an offence to so much as suggest a like recurrence to it, in the still more painful passage out of life. Why, it may be asked, why, in every case of emergency, should the inhaler be at hand, when a human being is to be born into the world; and yet, never be turned to, to stifle the agony so often suffered in cases of protracted dying? Why should it not be as simple a matter of course that the medical attendant should bring relief to this last worst pang that poor human nature has to undergo, as it is that he should allay the pains of childbirth, or subdue, by chloroform, or narcotics, the temporary paroxysms of

a violent and dangerous illness? Why should the patient about to be operated on by the surgeon always have a refuge from conscious suffering open to him; and yet the patient about to suffer at the hands of nature the worst she has to inflict—and her resources in this line are terribly great—be left without help or hope of help? Why, in short, should the inhaler not be seen as unfailingly by the bed of death, as it is by the operating table?

A much less extensive application than this, however, of chloroform as an anæsthetic, is all that is advocated here; the main object of the present essay being merely to establish the reasonableness of the following proposal: *That in all cases of hopeless and painful illness, it should be the recognized duty of the medical attendant, whenever so desired by the patient, to administer chloroform—or such other anæsthetic as may by-and-by supersede chloroform—so as to destroy consciousness at once, and put the sufferer to a quick and painless death; all needful precautions being adopted to prevent any possible abuse of such duty; and means being taken to establish, beyond the possibility of doubt or question, that the remedy was applied at the express wish of the patient.*

How great the boon conferred on mankind would be, were such a rule as the above generally recognized and acted on, those best can tell whose sorrowful lot it has been to stand by in helpless misery, while one near to them was being done to death by the hideous tortures of a lingering disease; who have had to

watch, and feebly minister to, throughout long months, a suffering parent, brother, sister, or child ; the patient, all this weary while, getting no respite from fierce pain, except in the brief intervals of feverish broken sleep : who have had to witness all this, with the full knowledge that recovery was impossible ; with the knowledge, too, that the patient knew his fate as well as the watcher did : knew that there was no hope of relief but in death, and that death was to be reached only by the gradual exhaustion of the bodily strength ; with the knowledge, too, that the last living moments would probably be the hardest to bear of all, and might possibly culminate in almost unimaginable horror.

Cases such as this abound on every hand ; and those who have had to witness suffering of this kind, and to stand helplessly by, longing to minister to the beloved one, yet unable to bring any real respite or relief, may well be impatient with the easygoing spirit that sees in all this misery—so long as it does not fall upon itself, nothing but “the appointed lot of man ;” and that opposes, as almost impious or profane, every attempt to deal with it effectually.

Why, it must be asked again, should all this unnecessary suffering be endured ? The patient desires to die ; his life can no longer be of use to others, and has become an intolerable burden to himself ; the patient’s friends submit to the inevitable, but seek the means of robbing death of its bitterest sting—protracted bodily pain : the medical attendant is at the bedside, with all the resources of his knowledge and his skill ready to

his hand: he could, were he permitted, bring to his patient immediate and permanent relief. Why is he not allowed to do so? or rather, why should not his doing so be a recognized and sovereign duty?

When this question is seriously asked, the answers to it are very unsatisfactory; such answers for the most part consisting in a series of commonplaces about "the sacredness of life;" the "folly" and "cowardice" of suicide, direct or indirect; the duty of "submission to the will of God," and of "not quitting one's post, except at the bidding of one's commander." Commonplaces such as these—interlarded occasionally with other commonplaces about the hallowing influences of the sick room, and the beneficent action on the heart of faithful ministration, throughout long and trying illness, to those sick unto death—are all one has to listen to; and these commonplaces have, doubtless, a certain kind of truth in them; but, like most commonplaces introduced into a discussion, have little, if any, bearing on the subject they are meant to support.

As for the "sacredness of life," for instance, it may well be doubted if life have any sacredness about it, apart from the use to be made of it by its possessor. Nature certainly knows nothing of any such sacredness, for there is nothing of which she is so prodigal; and a man's life, in her eyes, is of no more value than a bird's. And hitherto, man has shown as little sense of the value of man's life as nature herself, whenever his passions or lusts or interests have been thwarted by his brother man, or have seemed likely to be for-

warded by his brother man's destruction. A sense of the value of his own individual life to himself, man has, indeed, seldom been deficient in ; and, by a kind of reflex action, this sense has slowly given birth to, and always underlies, the sense, such as it is, of the value of other men's lives. But even to-day, and amid the most civilized countries of Europe, "the sacredness of man's life" is thrown to the winds, the moment national or political passion grows hot, or even when mere material interests are seriously threatened. And, indeed, seeing that life is so transitory a thing, and that, at the best, it has to be laid aside for ever, within the brief space of its threescore years and ten, it is hard to understand the meaning of the word "sacred" when applied to it, except in so far as the word may signify the duty laid on each man of using his life nobly while he has it. Or, in another sense, life may be called sacred, as property is called sacred ; meaning by the phrase, that its possessor is not to be disturbed in his possession even by the state, except for weighty cause ; and for no cause whatever, except that of self-defence, by any individual member of the state. But it is useless to invoke any such sacredness as is implied in either of these meanings of the word, in bar of the proposal advocated in this essay ; there is no question here of making a noble use of life, for, by the supposition, all the uses of life are over, and nothing remains to its possessor but to bear its pains ; and again, as there can be no violation of the sacredness of property when it is laid aside with the owner's consent, so

there can be no violation of the sacredness of life, in this sense of the word, when, with the consent of the sufferer, a life is taken away that has ceased to be useful to others, and has become an unbearable infliction to its possessor.

It is curious, too, to observe how readily the principle of life's sacredness can be set aside by men who appeal to that same principle, unhesitatingly, whenever it is proposed to step a little farther than they, in a track they themselves are following. The very medical attendant who would revolt from the bare idea of putting a hopelessly suffering patient to death outright, though the patient implored him to do so, would feel no scruple in giving temporary relief by opiates, or other anæsthetics, even though he were absolutely sure that he was shortening the patient's life by their use. Suppose, for instance, that a given patient were certain to drag on through a whole month of hideous suffering, if left to himself and nature, but that the intensity of his sufferings could be allayed by drugs, which, nevertheless, would hasten the known inevitable end by a week :—There are few, if any, medical men who would hesitate to give the drugs ; few, if any, patients, or patients' relations or friends, who would hesitate to ask that they should be given. And if this be so, what becomes of the sacredness of life ? The dying man had, by the supposition, a month more of life in him ; his medical attendant knowingly and deliberately deprives him of a week of that month, he and his consenting to the

deprivation: what was there in this one week of the dying man's remnant of life less sacred than in the other three weeks of it? Is it not clear that if you once break in upon life's sacredness, if you curtail its duration by never so little, the same reasoning that justifies a minute's shortening of it, will justify an hour's, a day's, a week's, a month's, a year's; and that all subsequent appeal to the inviolability of life is vain? You have already violated it, and rightly violated it; and the same reasoning which justifies what you have already done, will justify further violation.

The objection, then, based on the sacredness of life may be dismissed; life is a thing for use, and is to be used freely and sacrificed freely, whenever good is to be won or evil avoided by such sacrifice or use; the man who is ever ready to face death for others' sakes, to save others from grinding pain, has always been reckoned a hero; and what is heroic if done for another is surely permissible, at least, if done for oneself; the man who could voluntarily give up his life to save another from months of slow torture, would win everybody's good word: why should he be debarred from taking a like step when the person to be rescued is himself?

The only question to be put in a case like this is, is the motive weighty enough to justify the sacrifice? for it is certain that life ought not to be sacrificed lightly, whether that life be another's or one's own. It would seem that the motive supposed is weighty

enough : for there are few duties—indeed, it is difficult to imagine there are any—higher than that of diminishing, to the utmost of one's power, the aggregate of human—and, it may be added, of animal—suffering ; and though pain should be bravely borne whenever bearing it promises, directly or indirectly, to destroy greater pain, there can be no possible call on any man to suffer for mere suffering's sake.

Nor will the appeal to "submission to the will of Providence" bear examination better than the "sacredness of life;" for this submission, frequent as it is on men's lips, is never practised in their lives so long as they can possibly avert or avoid occasion for it. When things are inevitable, we must needs submit ; and having to submit, we had better submit with as good a grace as we can summon to our aid. Apart from this interpretation, the phrase "submission to God's will" has no meaning for us. Not submission to surrounding circumstances—another term for "God's will"—but successful effort to bend them to his purposes, is man's chief business here ; and every useful thing he does is a successful attempt to change, for his own or others' benefit, some of the conditions of life which surround him : and his whole existence, so far as it is not blindly passive, consists in a series of such attempts ; consists, if the phrase quoted have any real meaning, in systematic opposition to the will of God. But really the phrase *has* no meaning beyond expressing the duty of bearing uncomplainingly whatever has necessarily to be borne ; and in this sense

the precept to submit is admirable enough. It has been well said :—"The main business of every son of Adam is first to learn how to live and then to learn how to die." The whole duty of man is epitomized in that one sentence : and this duty consists—to borrow from the Founder of Positivism—in noble endeavour to remedy whatever is susceptible of remedy, and in noble resignation to the irremediable. Now, suffering is, happily, often remediable ; there is nothing quite inevitable but death ; the fatally stricken sufferer who summons the discovery of the chemist to his aid,

"Consents to death but conquers agony"

in a serener fashion than the poet's hero : he submits to the will of God in that he dies without repining or complaint ; he resigns himself to the inevitable ; but he does *not* submit to fruitless suffering which he *can* remedy ; and in such non-submission he is only carrying out the principle that has lain at the heart of every useful act of his life ; that of struggling to the uttermost to remedy whatever lies within reach of remedy.

But this doctrine would justify suicide in other extremities besides those of helpless physical pain ? Yes, in other extremities ; but there are suicides and suicides, be it remembered ; and no estimate of the act sufficiently wide to include all cases has ever yet been framed in words ; while any estimate less wide than this cannot possibly be just. It is no part of this essay, however, to defend the taking away of one's own life,

except under like conditions to those which justify—as is here maintained—one's medical attendant in taking it for one; but whenever a man is stricken with a fatal and painful disease, he is surely right—unless confident in his own power to bear and conquer extremest pain—in taking advantage of the palliatives won for him by man's genius, and in laying down calmly, deliberately, and painlessly, a life which, but for such palliatives, would have to be passed in weary suffering, and closed perhaps in agony. Those who feel sure of themselves even before torment such as this, may be right in acting on their trust; but even then, when recovery is absolutely hopeless, and the suffering likely to be protracted as well as severe, it is questionable if it be not a man's duty to consider others' feelings, and to weigh others' endurance as well as his own; and to bethink himself whether he ought to condemn those nearest him to witness sufferings which they would find it almost as easy to bear themselves as to see another bear. To some organizations there is hardly anything so insupportable as the sight of hopeless pain; and this fact, too, should be weighed in the balance when the final resolution has to be taken, of dying at once and painlessly, or dying months hence, worn out with bodily torture.

But of other suicide than this no defence is offered here; all that is suggested is, that those who seize

“Our privilege, what beast has heart to do it?”

may possibly plead more in their own behalf than popular sentiment and prejudice would allow. The popular feeling against suicide has no logical, or religious, or even moral root; it is simply the fruit of ecclesiastical, not Christian, discipline; and is one of the legacies—let it not displease Messrs. Murphy and Whalley—of the Roman Catholic Church. The words “coward” and “fool,” so freely hurled at the suicide, are simply—words. The man who in full health and strength, with all his faculties of body and mind alive and unimpaired, has nerve to put a pistol to his head and blow out his brains, may be a very selfish, or a very wicked man; that depends; but most certainly he is not a coward; and till the circumstances and motives which have prompted the act are known, no one is entitled to say that the man was a fool; and in spite of all the eloquent discourse indulged in by popular orators, when the occasion of some ill-starred tragedy or other has to be “improved,” it is questionable, supposing voluntary death were reached as easily and as pleasantly as sleep, if the very men who inveigh so lustily against suicide would stand at their posts an hour after fierce trial had assailed them there. It may be doubted if it be not the physical terrors attending on death which are the main preventives against suicide; and if it be not precisely because he is less of a coward than other men that the suicide affronts those terrors.

In a conversation, the other day, on this and

kindred subjects, the nobleness of submission to one's fate was eloquently extolled, and the heroic conduct of our unfortunate countrymen in Greece was cited, as putting to shame the craven spirit that would snatch a refuge from its troubles by a self-sought death. But this eloquence, to one at least who had the privilege of listening to it, seemed altogether beside the mark. Yes, our countrymen's conduct *was* heroic; so heroic, indeed, as to make glow every heart susceptible to the charms of chivalrous endurance and devotion; to shame each base, selfish instinct into hiding, at least for a time; and to make human life look like a holy thing. But all this, like so much that is said on the subject, has no bearing whatever on the question under discussion. Yes, these men bore themselves like heroes; what then? Because we admire them, and would fain imitate them, is that any reason why we should ourselves submit, or call on others to submit, to an ordeal which they, severe as was their trial, were happily not doomed to face? But let us suppose a case; suppose, for the sake of argument—no impossible supposition—that balked of their expected booty, and exasperated by what seemed to them treachery, the Greek brigands had resolved to kill their prisoners by fierce and lingering torture; that this resolution was irrevocable, and known to be so by the intended victims; suppose, too, that in attendance on the prisoners, but not involved in their fate, there was a medical man, armed with all the resources of his

craft; able, by means of chloroform, if willing, to put these intended victims to an immediate and painless death, and so save them from the hideous torments awaiting them; what then?

With such a refuge open to them, it is not impossible that some of the victims would have refused to profit by it; would have shown a Red Indian's fortitude, and have endured to the end all that their savage captors could inflict. But it is also possible that not one of that ill-starred band would have made this choice; and it is almost certain that some among them would have asked for the easier death. But suppose that all had joined in entreating the surgeon's aid; that all had implored him to use the good gift committed to his charge, and save them from the hideous and fruitless torture impending; and suppose that, in answer to these entreaties, the medical man had spoken eloquently about the "sacredness of life," "submission to God's will," "the duty of not quitting one's post except at the bidding of one's commander," &c., &c., &c.; and had flatly refused to have any hand in, or to give any assistance, direct or indirect, to what he was pleased to call self-murder; suppose all this; are there many men living who will venture to maintain that the prayer of these unhappy victims would have been an unrighteous one; or that the conduct of their medical attendant would not have been cold-blooded and selfish?

And if this be so; if, in such an extremity as the

one supposed, recourse to chloroform, as a refuge from unbearable torture, may be permitted, what becomes of the popular objections to its systematic use in cases of fatal and painful disease? What is there in the case supposed, to separate it from the thousands of cases around us, wherein men and women have no refuge from the torments they are writhing under, except in death? Why should recourse to chloroform be permitted in the one case, yet sternly prohibited in the others?

“The cases are not analogous,” it may be said. It is maintained, on the contrary, that they are strictly analogous; that a captive about to be tortured to death by brigands is in an exactly analogous position to that of a man struck down by a fatal disease; and that, to a man so struck down, Nature is as one of these pitiless brigands, neither more nor less. For, let it be borne in mind, death by disease is always death by torture; and the wit of man has never devised torture more cruel than are some of Nature’s methods of putting her victims to death. All the talk about the kindness of Nature, “the mighty mother,” is rhodomontade which no rational being could be guilty of, if he looked facts straight in the face, and spoke only according to what he saw. “Our mother” Nature may be, and mighty she may be, but kind most assuredly she is *not*.

“Red in tooth and claw,
With ravine,”

she shrieks against that picture of herself.

For suppose—concrete examples, even though imaginary, bring truth home to us better than abstractions—that the captives, already spoken of as in the hands of the Greek brigands, had been devoted, not to tortures which would kill within a few hours, but to treatment that would produce exactly the same kind and the same amount of suffering as Nature inflicts in one of the milder forms—perhaps the very mildest—by which she does her victims to death: namely, consumption. Suppose they were being subjected to systematic, but comparatively endurable tortures, calculated to waste away their lives inch by inch, just as natural disease would waste them: and that there was no more hope of turning the brigands from their purpose, than there is of arresting the progress of the natural disease. Suppose, moreover, that we were informed of the fate to which our countrymen were being subjected:—Should we not at once be ready to face any risk, to make any sacrifice, in order to put a stop to what would seem such a hideous atrocity? And yet, such is man's consistency, acts which in brigands would madden us, which would impel us to move heaven and earth to put a stop to them, or failing that, to avenge them fiercely in blood, we look at patiently when Nature is the author, find that all she does is good, and string pretty phrases together to show our sense of her might, her tenderness, and her love!

No! the "mighty mother" whom complacent optimists delight to praise is not the being they

paint her, whatever else she may be: rather she is a dread power, working, possibly, with what by analogy may be called a purpose—though that purpose is known to no man, nor is ever likely to be known—or, she may be a mere blind force, exerting itself to the utmost at all times, and in all directions, and issuing in scenes of perpetually recurring beauty and harmony, it is true, but also of perpetually recurring rapine and cruelty and lust.

As to the beneficent action on the heart of ministrations to the sick, there can be no doubt but that the praise commonly awarded to this service is well deserved; it is certain that the sick-chamber is an excellent school; that very many precious qualities are fostered there; and that our characters often issue from that ordeal, chastened, softened, humanized, as perhaps no other discipline could fashion them. But granting all this, there is no reason to suppose that the adoption of the plan advocated in this essay could appreciably interfere with such discipline; for, in the first place, the instinctive love of life is so strong within us, that not every one struck down by fatal disease would avail himself of the remedy it is proposed to set within his reach; and in the next place, illnesses from which all hope of recovery is not gone, are frequent enough and protracted enough, to furnish all the training of this kind desirable.

It would appear then, that the objections likely to be urged against such an extension of the uses of chloroform as is advocated here, are of no real weight,

and that whatever force they may seem to possess, they draw from prejudice rather than from any serious investigation of the subject; that the moral and physical evils which custom-ridden folk see in the proposal, have no real existence; and that the dangers likely to attend on its adoption are imaginary.

But while the reasons—if they may rightly be called reasons—urged against the proposal, disappear one by one as they are looked into, the main reasons adducible in its favour are grounded in the nature of things, and grow stronger the more carefully they are examined; these reasons being: the terrible part which physical suffering plays in the world's history, and the sacredness of the duty incumbent on every man, of lessening this suffering to the utmost of his power. Complacent optimism, it is true, persists in ignoring the facts which surround it, and in dreaming dreams about the beneficent adaptation of all things to an enjoyable end; about the steady, continuous, necessary growth of good, and the as steady, continuous, necessary elimination of evil. In spite of all reason and all fact, it prates of the never-failing progress, and the ultimate perfection of all things; and the only event that seems much to disturb its serenity is a doubt thrown upon the reality of the views so dear to it.

But that our lot is not cast in any such scene of "rose-water beneficence" as optimism declares it to be, is, unhappily, only too clear to every man who has courage to look realities in the face. So far from

the world being constructed only on the principles of beneficent design, and enjoyment being its sole aim, it is a field of mortal struggle, wherein every organized being wages, from the beginning of its career to the end, unceasing war with enemies of all kinds; wherein a universal struggle for mastery, and a universal preying on the weak by the strong is incessant; where conflict, cruelty, suffering, and death are in full activity at every moment, in every place, even to the minutest crick or cranny that microscopic existence can occupy; and the only fact in all this scene of carnage that can be pointed to as significant of beneficent design, is the continuous victory of the strong, the continuous crushing out of the weak, and the consequent maintenance of what is called "the vigour of the race;" the preservation of the hardiest races, and of the hardiest individuals of each race so preserved. But it must be borne in mind that, given such a life and death struggle as this world offers, the victory of the strong over the weak is inevitable; and although a beneficent result may be the issue of it—beneficent, that is, after its kind—there is nothing in the bare facts of the case to warrant the supposition that the beneficence, such as it is, was designed; in the next place, it must be remembered that the maintenance of the vigour of the race is but another phrase for the maintenance of this perennial struggle under conditions insuring its maximum of cruelty and suffering; for the more vigorous the race, the more highly it is organized; and consequently, the more keen and

prolonged will be the struggle for existence among its individual members, and the more intense the resultant pain; and lastly, it may be observed that the end—supposing the maintenance of the vigour of the race be really an end—is a very inadequate one to the means employed; and that the terrible suffering around us is but poorly compensated for either by the vigorous life the whole world teems with, or by the sort of peep-show beauty, and harmony of colour and sound, which are the net outcome of it all.

One of the main facts then, that men have to make familiar to their thoughts and to adjust their lives to, is, that they are born into a world on the painful riddle of which speculation can throw no light, but the facts of which press hard against them on every hand; and from these facts the truth stands out clear and harsh, that not enjoyment, but, in the main, struggle and suffering is what they have to look for, and that to bring this suffering into bearable proportions, should be one of the chief aims of their lives.

For man's existence here forms no exception to that of other organized beings. That he, too, has to maintain a ceaseless struggle, now with his fellow man, and now with the general conditions of life, is clear as noon-day. With him, as with his fellow denizens of this strange world, the natural provision is, for the weak to go to the wall, and for the "vigour of the race" to be maintained: but whereas his fellow denizens have not the wit to escape from, or modify, their fate, man has; and one of the chief ways in

which he shows that wit, is in his steady, persistent efforts to oppose Nature's beneficent plan—so far as *he* is concerned—for maintaining the vigour of the race. For, as society advances, the weak are protected more and more from the savagery of the strong, and remedies or alleviations are discovered for sufferings which among more backward societies, as among lower forms of life, have to be endured in all their native fierceness and protractedness; the result being that others besides the strong survive; and that Nature's provision for stamping out the weak is thwarted. But still, all remedies and alleviations to the contrary, the fact remains that man's existence, like that of other animals, is rooted in pain; that all wants imply pain, and that all enjoyment consists merely in satisfying wants, cannot even be conceived as consisting in anything else: that pain, therefore, is the one primordial fact lying at the root of existence in all its forms; that it is the one great reality amid a crowd of appearances and illusions; and, as such, is the chief thing with which man has to deal. Enjoyment is at best fleeting, and is seldom intense enough to lead a man into Faust's temptation of wishing the feeling of the moment to last. On the other hand, how terribly real a thing pain is, is known to many of us throughout a considerable portion of our lives, and will be known to all, soon or late, however persistently we may meanwhile shut our eyes to the fact. So long, however, as we have the means of satisfying each desire as it arises, all is well with

us, or seems so: and we put off the inevitable day of reckoning as long as we can, and banish it as much as possible from our thoughts; day after day we go on, lured by hopes the vanity of which each day demonstrates: and all the while there lies before every one of us the common goal of fierce suffering terminating in death. After all is said that can be said, human life remains but a sorrowful thing at best, and a real alleviation of its pains is the greatest service which man can render to man.*

* It is hardly necessary to observe that the above remarks apply merely to the world as it is, and leave untouched all questions of recompense and adjustment hereafter. The optimist appeals, not to any future condition of things, but to the world as it actually exists, here and now; and it is this world as it exists, here and now, which is appealed to in the text as refuting, in a fashion that would be ludicrous were it not so terribly tragic, every conceivable phase of optimism.

And if these views of the constitution of the world should be objected to as gloomier and more ascetic than truth will warrant, it is answered that they receive confirmation, direct or indirect, from the Man of Science and the Divine alike. Mr. Darwin states Nature's command to be: "Multiply, vary: let the strongest live, and the weakest die;" from which plan there results that "struggle for existence" which develops every form of selfish rapacity, and maintains unimpaired "the vigour of the race." And in the most powerful as well as most beautiful defence of Christianity that these latter times have seen, the following passages occur:

"Now we come to the third natural informant on the subject of Religion; I mean the system and the course of the world. This established order of things, in which we find ourselves, if it has a CREATOR, must surely speak of His will in its broad outlines and its main issues. This being laid down as certain, when we come to apply it to things as they are, our first feeling is one of surprise and (I may say) of dismay, that His control of the world is so indirect, and His action so obscure. This is the first lesson that we gain from the course of human affairs. What strikes the mind so forcibly and so painfully is, His absence (if I may so speak) from His own world. It is a silence that speaks. It is as if others had got possession of His work."

"Let us pass on to another great fact of experience, bearing on Religion, which confirms this testimony both of conscience and of the forms of worship which prevail among mankind;—I mean the amount of suffering, bodily and mental, which is our portion in this life. Not only is the CREATOR far off, but some being of malignant nature seems, as I have said, to have got hold of us, and to be making us his sport. Let us say there are a thousand millions

And the worst pain of all, that attending the final dissolution of our powers, is what it is now proposed to bring such remedy to as science has discovered and human ingenuity has contrived means to apply; and if this remedy were of recognized and general use, the greatest evil man has to submit to would be so far modified as to lose its chiefest dread: death might then be faced calmly by the timid as well as the brave; its sufferings might be met without quailing by the weak as well as by the strong: those blessed with great endurance might brave the worst to the end; those who cannot bear pain—and there are brave men among those who cannot—would have a refuge from it always open to them: and the mere fact of knowing that such refuge *was* open, would give a strength and patience which nothing else in the world could give; for it is a sense of hopelessness, the knowledge that no help *can* come except through death, that makes the suffering of a known fatal disease so appalling; from the almost unbearable

of men on the earth at this time; who can weigh and measure the aggregate of pain which this one generation has endured and will endure from birth to death? Then add to this all the pain which has fallen and will fall upon our race through centuries past and to come. Is there not then some great gulf fixed between us and the good God? Here again the testimony of the system of nature is more than corroborated by those popular traditions about the unseen state, which are found in mythologies and superstitions, ancient and modern; for those traditions speak, not only of present misery, but of pain and evil hereafter, and even without end. But this dreadful addition is not necessary for the conclusion which I am here wishing to draw. The real mystery is, not that evil should never have an end, but that it should ever have had a beginning. Even a universal restitution could not undo what had been, or account for evil being the necessary condition of good. How are we to explain it, the existence of God being taken for granted, except by saying that another will, besides His, has had a part in the disposition of His work, that there is an intractable quarrel, a chronic alienation, between God and man?—*Grammar of Assent*, pp. 391, 393.

present, the patient is constantly looking to the still more unbearable future, and it is wonderful how, under such conditions, calm and patience are ever possible at all.

Still more wonderful does it seem, when one reflects on it, that knowing our constant liability to these terrible conditions, and that, soon or late, they have to be passed through by every one of us, we can ever so far banish our miserable fate from our thoughts, as to give ourselves up heartily to our daily labours, ambitions, and projects. A turkey-cock strutting in the sun, and spreading his tail for the admiration of beholders, a week or so before the dinner he will grace in a fashion he so little thinks of, strikes one as a spectacle hardly worthy of rivalry; but this turkey-cock is an embodiment of sober sense compared with poor human beings flouting *their* pale splendours in beholders' eyes. Much may be said for the turkey-cock: he knows nothing of oyster-sauce, nor has he been told of the hideous death man condemns him to die, simply that his poor head may appear on the dish with the rest of his luckless, if savoury, body. We, however, know what lies before us in the immediate future, but we strut and spread our tails in the sun no whit the less. We act as if this earth were our heritage for ever; as if disease and death were no concern of ours; bearing ourselves after a fashion that might well "make the angels weep," if angels had patience to watch us.

In some respects, however, this blindness and

heedlessness serve us well; for it is not given to man to

"Look on the face of Truth, and live."

A general knowledge of the lot that lies before us is as much as we can bear; and there is perhaps not one man living who would have heart to meet his fate if all its details were made known to him; the veil that hides the future from us is probably the one thing that saves us from despair.

But still, though we know neither the hour nor the form in which death will come to us, we know that come he must, and that, be the manner of his coming what it may, he will come attended by terrible ministers; and this being so, surely it is our part, as rational beings, instead of passively submitting to the inevitable, to make timely provision to meet it; and to set in order, beforehand, for our extremest need, such remedies as the great benefactors of our race have brought within our reach. If, on the approach of death, any man objects to use these remedies on his own behalf; if, either from a sense of duty, however false, or from confidence in his own powers of endurance, or from any other cause, he chooses to hold out to the end, and to face the worst that may befall him, by all means let him do so: but for such of us as are cast in a less heroic mould, let the remedies we ask for be at hand: to all condemned to a hideous death, and who feel unable to bear the agony of it, let the medical attendant bring the relief of swift and lasting unconsciousness; since we must die, let us,

at all events, have the consolation of dying by the least painful death that beneficent skill can compass for us.

And possibly the time may come when man will no longer monopolize the fruits of science and skill, but will extend to his fellow mortals of a lower type the same immunity from violent suffering which he has already partly secured for himself; a time when anæsthetics will always be administered to the wretched beasts destined for the table, and when so the sickening horrors of the slaughter-house will be mitigated, if not swept away. At present, any proposal of the kind would be sure to meet with the scorn with which Philistinism of all countries, and English Philistinism more than others, listens to all projects which do not dovetail of their own accord with existing prejudices; and a serious attempt to compel men, under pains and penalties, to inflict as little suffering on the beasts they slaughter or destroy, as is compatible with their death or destruction, would be looked upon as merely another illustration of that "maudlin sentimentality" which met with such severe castigation from many popular writers recently, on the appearance of a noteworthy article on fox-hunting.

But nevertheless, that before very long such a proposal as is here advocated may be actually carried out, is not so impossible as may be thought; society does move on; and perhaps the one point in which its progress is most unmistakeable and most marked is the decreasing cruelty characteristic of modern times.

The rudimentary attempts which have already been made to bring the lower animals within the pale of legal protection, are but one phase of a many-sided movement; a movement that has for its objects the suppression of all forms of needless suffering, and the eradication, or at least the subordination, of those savage instincts which have hitherto been so predominant in man's nature. Whatever may be said as to the character of many of the changes now taking place in society, one fact remains indisputable: we are less cruel than we were; less indifferent to inflicting pain on our fellow men, and more desirous of shielding the animals we make use of from entirely wanton torture; so that there really exist grounds for hope that, soon or late, the poor ministers to man's wants may be allowed to share in the advantages wrung from nature by man's wit, and that the proposal to secure for them a painless death will some day seem no extravagant one. "Encore cinq cents ans," said Paul Louis Courier, some fifty years ago, "et je pourrai parler à un préfet tout comme je vous parle;" and though it must be confessed that small way has, as yet, been made towards realizing the hopeful Frenchman's dream, still some advance has been won even in that direction; let beast and bird take heart then; the world moves on; "yet another five hundred years" and *they* may be admitted to the privileges secured by chloroform!

And meanwhile let those manly, vigorous natures, who treat with such lofty contempt all efforts to

diminish suffering not their own, remember that some of the bravest men who ever lived have been tender as women; and that a lordly indifference to others' sufferings is not by any means incompatible with a very strong objection to suffer in one's own person; and besides, that even where a man is as ready to take pain as to give it, indifference to others' feelings may still be an un-heroic quality. There is a saying among some savage race or other: "when another man suffers it is a piece of wood that suffers;" whereby the speaker desires to make known *his* superiority to the maudlin sentimentality that can be moved by *any* form of suffering outside itself. Standing in its own bare nakedness, this feeling will commend itself to few of the lustiest even, of those who would fain set aside each humaner project by the reproach of its unmanliness; but their own feelings with regard to some kinds of suffering outside themselves are only stunted forms of the same savage indifference with which the aboriginal man contemplates all such suffering: the original and vigorous forms of this feeling are fast dying out of all societies calling themselves civilized: it may be hoped that these more stunted forms of it will one day also disappear.

S. D. WILLIAMS, JUN.

ESSAY VII.

METHOD AND MEDICINE.

A celebrated physiologist recently began one of his lectures with the assertion that “la médecine scientifique” did not exist; and not very long after, a distinguished French surgeon expressed in the pages of the album-number of the *Figaro* his satisfaction at the renunciation of scientific methods in the study of surgery. Two such remarkable statements naturally excited much attention. They were greedily seized upon by sprightly journalists, whose pens, like the hands of Ishmael of old, waging war against every one, rejoiced to find in the unsatisfactory position of medicine a suitable object for attack. Paris soon knew all these writers could tell of the shortcomings of medicine, and the bruit of the discussion reached even London ears. Medical questions always excite a certain amount of general interest, and for the more curious portion of the public they possess a

peculiar kind of fascination. It is remarkable how many persons profess to know a little—some, indeed, a great deal—about medicine, whose public pursuits or private studies have never led them even to the confines of the subject. Few reach a certain age without considering themselves competent to dogmatise, if not to practise, as physicians; and are never willing to admit the alternative of the familiar proverb as to physic or folly at forty. To all such readers the newspaper comments on the opinions of MM. Claude Bernard and Nélaton were of great interest, and to some they were possibly a confirmation of their own assumed ability to comprehend the art of cure.

To others, these opinions, if not so pleasantly reassuring, were no less interesting; for the progress of medicine touches each one more or less nearly; since on such progress, however slight, may depend issues of the most momentous import. To these it was really alarming to learn in the course of a few months that scientific medicine was a fable, and, moreover, that the very methods of modern science were unsuited to the investigation of disease. The absence of science was bad enough, but admitted, at all events, the possibility of improvement. The second statement, however, condemned the very methods by which earnest workers had striven to advance, and demanded the abandonment of all those instruments of precision of which they had been so proud. The fortress of knowledge was no longer to be assailed

by the Chassepot and the Armstrong gun, but must be breached by the bow and arrow and the catapult. Modern methods have not made medicine perfect; therefore, says Nélaton, fall back on the older methods, which, he might have added, left it very imperfect. Medicine has not yet reached the position of a strictly experimental science, and the physician is consequently unable to modify and control the phenomena of disease with the same accuracy that the chemist can regulate the combination and decomposition of his chemicals: therefore Claude Bernard denies the existence of scientific medicine. It may not be without profit to consider these statements by the light which the history of medicine affords. In so doing we shall see how the progress of this branch of knowledge has been retarded by false method; and the lessons derived from the study of past error may teach that better method by which the development of the scientific medicine of the future may be hastened.

Taking its origin in that instinct which impels us to offer aid to the suffering and to endeavour to mitigate pain, medicine must have existed, as Celsus has said, universally and from the beginning of time. The first successful attempts in allaying pain must have appeared so miraculous, that their author no doubt acquired a higher position in the esteem of his kind than has ever since fallen to human lot. Reverenced,

and possibly worshipped during life, he was deified at death. The deification demanded an altar, the altar required priests. Thus we find the priesthood surrounding the cradle of medicine, as we everywhere find them at the origin of civilization and the birth of knowledge. In the temples they fostered the small beginnings of the healing art; but called upon to exercise greater powers than they possessed, they cultivated credulity by a judicious exhibition of the marvellous. The unlimited faith of the people tempted them too strongly; they promised all that was asked, and, like other charlatans, they had great success. As priests serving a divinity they avoided all direct responsibility; thus in failure their reputation was not compromised, while in success it was established. They never forgot that the bolts of Jove fell on Æsculapius for his boldness in restoring the dead to life; they, on the contrary, exercised their powers with singular discretion, and saved themselves from the temptation to imitate their master by driving the dying from their doors. In this last respect quacks of more recent date have been equally discreet.

If in the charge of the priests of Apollo and Æsculapius, medicine did not advance, the practice of the art was nevertheless kept alive, until, in the steady progress of human knowledge, better hands were prepared to receive it. The temples of Æsculapius—Asclepia, as they were called—long maintained their reputation; and the priests, the Asclepiadæ, many of whom were descendants of

Æsculapius, did some service for their successors by preserving records of the cases of their patients on the votive tablets which adorned the temples' walls. The Asclepia built on very healthy sites, often near to some mineral spring, were indeed convalescent institutions from which the incurable were excluded. The health-resorts of our own day had their prototypes in these shrines dedicated to the tutelary divinities of health. The celebrity of some of the temples attracted to them large numbers of patients, and in this way the first opportunities occurred of studying disease systematically. The rich fields of observation thus formed, and the skill of the priests in recognizing and treating the maladies of their votaries, made these shrines the earliest schools of medicine. The Asclepiadæ, who were the first teachers, soon had competitors; and schools of medicine and philosophy began to be established independently of the sacerdotal influence. Of these the most celebrated was that of Crotona, and its most illustrious teachers were Democedes and Pythagoras (580 B.C.).

The bitter opposition with which these new seats of learning were viewed by the priests, lasted for many generations; and we may trace it in the charge made long after against Hippocrates, of stealing the votive tablets and burning the temple of Cos. But in spite of the opposition of the Asclepiadæ the study of medicine was continued by the philosophers, who taught the results of their own personal experience, and recorded, as far as possible, facts and traditions. The

priests for the most part neglected their opportunities of study, and the independent workers of the other school observed phenomena carefully but not fruitfully; for until late in their history they did not reach even the crudest application of induction.

The mysterious workings of nature were to the minds of both schools the results of the activity of supernatural beings, and as such were regarded as beyond the powers of the human mind. Every attempt to treat disease required the direct interposition of a divinity, without which the skill of priest or philosopher was alike in vain. The gods sent disease, and the gods possessed the remedy. Such was their creed. They held it blindly; but even in the time of their greatest darkness, protests were not wanting. Experience had taught men something, and every attempt which the philosopher led by his experience made to relieve disease, was a protest against the paralysing influence of such a creed, and every tittle of success which attended such attempts hastened its fall. The discoveries made by instinct, or offered by chance, were seized upon and developed by reason. The philosophers soon found that nature might be interrogated without danger, and that human curiosity was not always punished by the gods. In their inquiries, "*de naturâ rerum*," the first investigators analysed the universe. The earth which supports us, the air which surrounds us, the water which bathes the earth, and the fire which lends its heat, were to them in turn universal principles; and the phenomena of

nature were the result of the harmony or the antagonism of the attributes of these elements. These first students of nature, however barren their speculations, did great work. They first asserted the right of man to investigate nature and explain her phenomena without reference to a deity; and they thus began that emancipation of the intellect from the tyranny of the supernatural, which it was the chief glory of their successors to complete.

Medicine was so closely bound up with the philosophy of this period, that it could not fail to acquire new vigour from the free spirit of inquiry which began to prevail. The philosophers of all the schools were busy in making observations, instituting experiments, and collecting facts; and although they erred in the haste with which they formed theories, yet their pursuit of truth was not barren. They began to inquire into the nature and causes of disease, and these inquiries became in the hands of Pythagoras the foundation of hygiene and etiology. He held that the healthy equilibrium of all the functions of the body was only to be maintained by the strict regimen to which he submitted his disciples. To Pythagoras, health was the result of moderation in diet, disease the effect of excess. To him we also, according to Celsus, owe the first knowledge of critical days in disease, the theory of which was the first application of the science of numbers to medicine. The vital principle of Pythagoras was heat,⁽¹⁾ and his explanation of the phenomena of life has found a more elaborate

form in the doctrines of the vitalists of modern times. The school of Pythagoras also endeavoured to learn something of the structure and functions of the body by the dissection of animals, and thus made the first discoveries in anatomy, and hazarded the first speculations in physiology. The doctrine of temperaments and of heredity, and the theory of generation here found their first exponents. Anaxagoras of Clazomenæ, to whom Aristotle attributes the doctrine of the immortality of the soul, also in his school advanced medicine by encouraging the study of anatomy, and speculating on the causes of acute diseases, which he attributed mainly to bile.⁽²⁾ Democritus of Abdera was also another who prepared the way for Hippocrates by his works on epidemics; and he anticipated the application of morbid anatomy to the explanation of symptoms, by seeking for alterations in the viscera of animals to account for death. All these schools treated disease in a simple fashion; their *materia medica* was chiefly vegetable, but dietetics were the basis of their treatment.

This knowledge was widely diffused, and in every training school of ancient Greece accidents were treated according to the principles taught by the philosophers. The opportunities for treating diseases and injuries in the gymnasia were by no means infrequent, and consequently some of the gymnasiarchs, as the chiefs of these training schools were called, acquired great reputations as healers of disease. One of them, Herodicus, became the first physician of his

time, and had the good fortune to teach Hippocrates. His chief merit consisted in the attention he paid to diet and general hygiene, and the effects of his teaching may be traced in the writings of his immortal pupil. On another account he perhaps deserves mention, for he is said to have strictly insisted on payment for his advice.

Medicine gained much from the philosophers, both as an art and as a science. They indicated the methods by which it might be advanced, and by their speculations and experiments made the time ripe for the appearance of the great master—Hippocrates. It is a very interesting fact that the family from which he sprung repudiated, at an early date, the ignorant pretensions and mummeries of the priesthood, and practised medicine without claiming any special sanctity. With a noble candour, this family declared its knowledge to be the result of experience, and founded its practice on the observation of disease.

During the three hundred years it flourished, no less than seven of its members bore the name of Hippocrates, and as several of them contributed to the literature of medicine, it can easily be imagined that the commentators have had a fine field for the exercise of their ingenuity. So successful have they been in their work, that some authors have even denied that any such person as Hippocrates ever existed,⁽³⁾ and a theory has been advanced that the Hippocratic writings are the product of a school. There is little doubt that several of the treatises bearing the name

of Hippocrates were written by his disciples, but the authenticity of the works on which the fame of the great physician rests has been proved. Of the seven of the one name, Hippocrates the Great was the second, and is said to have been a lineal descendant of Æsculapius in the eighteenth generation. Born (460 B.C.) of a family of physicians, from his earliest years he was attracted by those subjects which engrossed the attention of all about him. From his father, and from his master, Herodicus, he learned all the speculations of the Pythagoreans and the practice of the gymnasiarchs; and the accumulated experience of his family was at his command. With the instinct of true genius, he quickly saw that in medicine, probably more than in any other subject, the only sure basis of knowledge is the observation of actual phenomena, and that all doctrines and speculations should be absolutely based on observed facts. This idea once clearly conceived soon bore fruit. In the archives of his family, collected during many generations, and in the votive tablets in the temples of his great ancestor, he found records of disease extending over hundreds of years. These votive tablets, stating the nature of the disease and the treatment of each patient, were, indeed, the rude beginnings of that system of case-taking which Hippocrates founded, and all physicians have since followed. There was this difference, however, that the votive tablets allowed by the priests only recorded the successful cases, while Hippocrates recorded his failures also. It may be said

to the honour of medicine that his noble love of truth has always found imitators: so alas! has the selfish reticence of the priests. The mass of materials thus ready to his hand he carefully arranged and interpreted by the light of his own experience. Every speculation, every hypothesis, was submitted to the crucial test of observation, and no conclusion was adopted which this test did not confirm. Face to face with the phenomena of nature, he allowed no preconceived notion to lead him astray or warp his judgment, but reverently and patiently his great mind gathered together and classified its facts with a loyalty to truth never surpassed. Thus his works are splendid monuments of the most patient study and the most accurate observation.

Among the most remarkable of his writings are those *On Fractures* and *On the Articulations*, which especially arrest our attention by the large knowledge of anatomy which they exhibit. Although human anatomy was not practised in his time, Hippocrates must have had a very thorough acquaintance with the bony skeleton to have written two treatises so full of accurate knowledge of osteology and sound surgery.

The physical philosophy of the period naturally served as the basis of his theory of medicine. Many of the phenomena of life found their explanation in the doctrine of the elements of things; and the general belief in the existence of a power which directly controls all things in their natural state, and restores them when preternaturally disordered, led to the in-

vention of the hypothesis of the principle which he called Nature. This general principle he regarded as the great restorative power in disease, a true vis medicatrix. "Nature," as his school said, "is the physician of diseases."

The four elements of which the body was supposed to be formed led him to elaborate the doctrine of temperaments. These he made to depend on four humours—the blood, the phlegm, the bile, and the atrabile; and excess or defect in any of these was the immediate cause of disordered health. This theory was the beginning of that humoral pathology which from time to time has ever since ruled medical thought. In his pathology he was seldom tempted to speculate on any but the immediate causes of disease: when he did so he was remarkably sound, as is proved by his views on the epidemic constitutions of the seasons, which still hold good.

There is one other point in his pathology most worthy of note; it is this, that he founded it on physiology. He saw, it may be dimly, but still he saw, the great law which governs modern progress: that in disease we have to deal with no new forces but only with the variation of physiological action. This led him to study the natural history of maladies, and to perfect the doctrine of crises or the natural tendency of certain diseases to a cure at certain periods. And on this observation of the course of disease when uninterfered with, he built up his treatise on prognosis, which was the first formal exposition of the laws which

regulate the succession of morbid phenomena. "He who would know correctly beforehand those that will recover and those that will die, and in what cases the disease will be protracted for many days, and in what cases for a shorter time, must be able to form a judgment from having made himself acquainted with all the symptoms, and estimating their powers in comparison with one another. . . . One ought also to consider promptly the influx of epidemical diseases and the constitution of the season. . . . But you should not complain because the name of any disease may not be described here, for you may know all such as come to a crisis in the aforementioned times, by the same symptoms."⁽⁴⁾ Such are the words of Hippocrates at the end of his *Prognostics*, and the last sentence is a clear statement of a reduction of the phenomena of disease to such laws as give prevision. In other words, the development of medicine as a science of observation was the great result which the physician of Cos attained.

In the treatment of disease Hippocrates did little. He founded the school which is now-a-days called the expectant, and which trusts to assisting nature and aiding the tendency to recovery, rather than to blind attempts to cut maladies short. To Hippocrates, as to many of the moderns, nature was the great power for good in disease.

"Ipsa suis pollens opibus, nil indiga nostri."

He had a tolerably copious *materia medica*, but he

used it cautiously, now and then only endeavouring to correct some unfavourable symptom by prescribing on the principle that contraries are the cure of contraries. His management of the diet of his patients was remarkably advanced; and the sagacious observation which regulated his practice in this respect has rendered his essay *On Regimen in Acute Diseases* a model of its kind. Of his other works those *On Epidemics*, *On Airs, Waters, and Places*, and the *Aphorisms*, are the most famous. The treatise *On Airs, Waters, and Places*, is especially noteworthy as the first formal exposition of the principles of public health. Nay, more: treating as it does of the effects of climate and locality on man's moral and physical nature, and of the influence on his character of the institutions under which he lives, it was the beginning of social science, and the anticipation of that "theory of the media" which Auguste Comte has elaborated in his *Positive Philosophy*. The reader of Buckle's *History of Civilization* will recognize in the chapter on the "influence exercised by physical laws over the organization of society and the character of individuals," a modern development of the sketch which Hippocrates left. The *Aphorisms*, pronounced by Suidas to be "a performance surpassing the genius of man," have in all ages been recognized as the most splendid monument of the genius of their author. Models of condensed thought and brevity of expression, pregnant with the rich results of the life-long observation of the greatest of observers, these aphorisms have won the admiration of all time.

Such was Hippocrates the Great, whom some have condemned as separating medicine from philosophy. Was he not rather the first who saw that his predecessors had lost themselves in the immensity of the too vast and comprehensive plan which they had embraced, and that the division of labour was the necessity of progress? In this sense he did separate medicine from philosophy; not degrading it, but raising it to the level of the highest branch of knowledge, by giving it that method of induction which was the foundation of all science. He first collected the materials hitherto formless, and gave them form. He first constructed that classification of facts in medicine which based upon analysis and comparison led to scientific generalization and the exposition of law. In a word, he founded that most fruitful of all methods, induction, which his great successor Aristotle adopted, and which the greatest of modern philosophers perfected. Judged by the dogmas he advanced, the claim of Hippocrates to the title of philosopher would be slight; but tested by the method he employed and the work he accomplished, he was in truth the first great medical philosopher—great among the greatest, in his own words—*ιητρος γαρ φιλόσοφος ισόθεις*.

The inductive method raised medicine from a purely empirical condition to the dignity of a science of observation. The limits of health and disease were fairly defined. The careful observation of symptoms led to the establishment of laws which enabled the physician to recognize any malady, and foresee its

course, crisis, and termination. Rules were framed for the use of remedies which were held to act by aiding the natural forces of the body, not by creating new forces; and the art of cure consisted in the art of aiding nature in her tendency to reëstablish health. Hippocrates studied disease as an astronomer the heavens, and was equally powerless to modify or control the phenomena he observed. Nature was the healer of diseases, and man must stand submissively by while she worked her will; at most he could aid her tendencies when favourable, and when unfavourable, he could only struggle feebly and blindly to restore her to a better course. This, the highest result of the medicine of observation, was not satisfactory to those who desired the power of mastering disease; they felt, as Asclepiades afterwards expressed it, that this medicine of Hippocrates was a mere meditation upon death—*θανάτου μελίτην*.

Even while the great master lived there were many who rejected this position for medicine; men who failed to descry in nature that kind and considerate mother of which he spoke, but, on the contrary, felt her to be a harsh and vicious stepmother against whose rule they must rebel. In the struggle with disease these men would be no passive observers: they longed for a greater and more active *materia medica* than the school of Cos gave them, and they found in the empirical administration of drugs the solace of a blind activity. It was not, however, till after the foundation (300 B.C.) of the great

school of Alexandria that circumstances occurred which gave these opinions their full power, and led to the establishment of the sect of the Empirics. It is a remarkable fact in the history of method that the splendid results which Hippocrates obtained by the application of induction, should have had so little influence in leading others to follow in his footsteps. This may be partly accounted for by the absence from his works of any formal exposition of his method. Aristotle, the son of a physician, was imbued with the inductive spirit of his predecessor, but he obeyed it less implicitly, and too often allowed his love of hypothesis to overrule his facts. The grand results arrived at by Aristotle were, however, insufficient to keep men in the slow and sure path of scientific caution, and so when the first great discoveries in human anatomy were made at Alexandria, the spirit of speculation ran wild. The great anatomists, Herophilus and Erasistratus, it is true, were not guilty of these errors. The men who made out the functions of the nervous system and of the lungs, and who almost reached the discovery of the circulation of the blood, recognizing as they did the relation between the vigour of the heart and the strength of the pulse, were too well trained by their anatomical studies to indulge in the fabrication of theories. They were, on the contrary, more inclined to discard all theory in their practice, and rely upon experience as their only guide.

That the practical aspect of medicine was not

lost sight of in the Alexandrian school is shown by the division of the art into the three branches of dietetics, pharmacy, and surgery. The first, the department of the physician, comprehended, besides the regulation of diet, every circumstance bearing on the preservation or restoration of health. The second, in addition to the preparation of drugs, included the treatment of ordinary cases of disease, and the performance of many of the less important operations in surgery, and answered to the province of the general practitioner of modern times. Surgery, which had previously, together with medicine, been in the hands of the *iarpécs*, was now allotted to a special class of workers. This division of labour produced its best effects in the impulse it gave to surgery, which was practised by the professors at Alexandria with an amount of skill and boldness equalled by no other school of antiquity. The many discoveries in anatomy led no doubt to this great development of surgery, but unfortunately they also led to a vast amount of unfounded speculation.

The more sanguine investigators, dazzled by the revelations of the anatomists, began to believe that the victory of medicine over disease was at hand; and in their desire to hasten this consummation, they allowed their theories to outstrip their facts. A reaction was inevitable. The scepticism which Pyrrho had introduced into the philosophy of the time extended to medicine, and reached its highest development in the views of the Empirics. These men, wearied by the vanity of theory, and in despair of understanding

the mechanism of disease, even denied the value of the laws which Hippocrates had so carefully arrived at, and declared that it was only necessary to watch the phenomena of disease, to discover by the sole aid of experience what remedies are best fitted to relieve its symptoms. The nature and functions of the body generally, or of the parts affected, with the action of remedies upon it, and the changes in structure and function produced by disease constituted, in their opinion, a kind of knowledge impossible to attain, and even if attained unnecessary to guide them in practice. Their opponents, the Dogmatists, took the other view, and investigated what we call in the present day the general principles of physiology, pathology, and therapeutics. The latter school aimed at reaching truth by hypothesis and ratiocination; the Empirics would banish all ratiocination from their method, and reduce it to a simple observation of facts. The truth was on both sides. Leibnitz has said that systems are true in their affirmations but false in their negations, and this is profoundly true of these rival schools. "The boldest dogmatist professes to build his theory upon facts, and the strictest empiric cannot combine his facts without some aid from theory."⁽⁵⁾

This controversy, long slumbering, thus burst into all its fiery vigour in the Alexandrian school, and has never since died out. Disputants have always been forthcoming on either side, and when facts in support of their positions have failed, they have usually devoted themselves to throwing dust in the eyes of their

opponents, and obscuring truth by the introduction of verbal subtleties and barren refinements. On both sides a temporary triumph has too often been purchased at the costly sacrifice of truth, and thus the vigour which might otherwise have done much to advance medicine has rather acted as an impediment to its progress. The accidents of time have oddly enough left us by no means an equal legacy of the writings of the rival sects. Of all the wordy warfare which raged between them, the polemical productions of the Dogmatists remain in abundance, but not a single tract of the Empirics has survived. Celsus has given, however, in his remarks on the history of medicine, so candid and impartial an account of their views, that from his time to the present, a succession of zealous disciples has never failed. The standard of experience has never wanted a bearer ; on the contrary, in every stage of the evolution of medicine great authorities have been proud to bear the colours of the Empirics to the van. Even in our own day, when it might have been thought that the brighter rays of science would have dissipated the mist, which in the past prevented the disputants from recognizing the presence of truth in both camps, a champion has been found, who speaks in no uncertain tone. Witness M. Nélaton :

“I am happy to see the rising generation refuse to follow those false appearances of exact and profound science borrowed almost exclusively from microscopical research, and attach itself to the study of surgery, based upon the great indications furnished by clinical observation. It is because they drew their inspirations from these principles that the great masters of the beginning of this century, and especially

Dupuytren, the most glorious amongst them, have given to the French school that legitimate renown which it still enjoys throughout the whole world." (6)

A nineteenth century reproduction of the opinions expressed by the Empirics some three hundred years before the beginning of the Christian era! Nay, M. Nélaton has done more, he has made the empiricism of his school more thorough than that of the strictest of the ancient sect. Modern invention has provided a power of vision which the ancients never dreamed of, and has enabled the moderns to study the results of disease with a thousandfold more accuracy, and detect morbid changes which were a thousand times too small for the unaided sight; and yet in his loyalty to the old method M. Nélaton refuses all. Possibly not without some show of reason. The marvellous precision which modern appliances have given to the study of the details of morbid processes may have led many to dwell too much on the discovery of apparently insignificant facts, and to lose themselves in the abyss of the infinitely little. While studying the shape of a cell some may have forgotten to observe the coarser progress of disease, and may have failed in that practical aptitude which is necessary to check its ravages. But surely the occasional abuse of a method is no argument against its use, and while the great problem of the origin of disease remains unsolved, and the fine distinctions which separate physiological development from morbid growth escape us, we ought to neglect no means by which these secrets can be wrung from

reluctant nature. In the present state of knowledge who is to decide on the value of new facts? however insignificant they may appear who is authoritatively to declare them worthless? When in 1832 Tiedemann discovered the *trichina spiralis*, and in 1835 Mr. James Paget finding it in a piece of human muscle gave the specimen to Professor Owen who described the parasite, these observers had apparently only made out with their microscopes an insignificant fact, and described the cause of a condition which was for many years afterwards regarded merely as a dissecting-room curiosity. But when, some thirty years later, Zenker demonstrated that this flesh-worm, in place of being a harmless parasite, was the cause of a most alarming, fatal, and hitherto inexplicable disease, the fact ceased to be so insignificant.

"When this flesh-worm was seen more than thirty years ago, it was little thought that the bit of muscle sent to Owen contained the germs of a disease which might be carried in a living pig from Valparaiso to Hamburg, and then kill almost the entire crew of a merchant vessel. It has been recently related that a pig so diseased was shipped at Valparaiso, and killed a few days before their arrival at Hamburg. Most of the sailors ate of the pork in one form or another. Several were affected with the flesh-worm, and died. One only escaped being ill."⁽⁷⁾

Surgery, based upon anatomy and dealing chiefly with alterations in the construction of the body, has had a much less arduous task to perform than medicine, which depends on physiology and has mainly to treat aberrations of function. The older method of unaided observation has on this account done more for the surgeon who deals with the simpler phe-

nomena, than it has for his colleague who has to deal with the more complex. It is, therefore, not surprising that it is as a surgeon that the modern representative of the Empirics has won his fame. A more advanced medicine will, however, greatly control the application of surgical methods to the treatment of disease. Cancer still yields only to the surgeon's knife; but the knowledge of its structure and affinities which the microscope has revealed to a great extent, will some day enable it to be treated in a more scientific way. In all such cases the necessity for surgery is the opprobrium of medicine. The time may justly be anticipated when the laws of its production will be so well known, that the development of cancer will be arrested and the surgeon's part forgotten. But such a day would never come if the means at hand for studying morbid processes were all cast aside, and man again took up the hopeless task of analysing the infinitely small beginnings of disease by his own unaided powers. It is true that the microscope has as yet but in few instances made disease more amenable to treatment; but we can hardly be said to be worse off than before its invention, since we are more intimately acquainted with many of the problems we have to solve.

No! M. Nélaton: the microscope is not useless, but it and all other similar aids to research may be unduly magnified until in the cultivation of a method, we forget the object of investigation. As a protest against this tendency, the letter in the *Figaro* was

true: in any other sense it was untrue. To deny the microscope to the surgeon would be, as M. Vernueil has said, as logical as to deny the telescope to the astronomer. Clinical observation depending on man's unaided powers played out all its forces some two thousand years ago; and now when all the collateral sciences are pressing forward to its aid with their reserve strength, it is no time to delay the advance by the policy of isolation. The "false appearances of exact and profound science" may have led some astray, and here and there one in his accuracy of observing details may have lost his power of comparing phenomena, and so mingled in hurtful confusion the important with the trivial. But over this one sinner shall we all sink our aspirations for a higher development of our art? No! through twenty centuries the answer has ever been the same; and that appearance of exact science has always been the beacon light which has cheered men on in their struggle with the obscurity of the unknown. The time for medicine to rest on clinical observation alone, as its only method, has passed away; it must still be the one great means of fitting a man to practise his art; but he will be no worse observer at the bedside because he has gone through the intellectual training which the collateral sciences afford: on the contrary, he will come to his daily task with his powers sharpened and with a vision more far-reaching in proportion to the exactness and extent of such training.

Simple observation has left us very powerless in

the prevention of disease, and still more powerless in its cure. "*Medicina tota in observationibus*," as Hoffmann defined it, was in his time, and is still, too narrow a foundation to support that superstructure of scientific medicine, which modern thought hopes to raise. The mere collection of facts can never constitute a science, but would simply allow medicine to crystallize in the form of an art, which each artist must learn for himself from the beginning, since his own personal experience must be the basis of his practice. We now seek to know more than the succession and relation of morbid phenomena, we look forward to being able to modify and control the phenomena at will. This power can never come to us by the cultivation of the empirical faculty alone; to gain it we must weld together the good of the method of the Dogmatists with the doctrines of the Empirics: "*utrumque, per se indigens, alterum alterius auxilio viget*." They who would oppose this union and confine us to observation narrowed à la Nélaton, would prevent the realization of this power, and their place in history is not in the nineteenth century, but rather at the beginning of our era.

Health and disease, the preservation of the one and the cure of the other, have composed the problem of medicine from all time. Let us for a moment consider what the solution demands. A knowledge of the laws which govern the phenomena of life in its

normal state, by teaching the necessary conditions, will lead to the preservation of health. The second part of the problem, the cure of disease, requires a knowledge of the conditions immediately antecedent to disease, and of the laws which determine the variation of vital phenomena. To preserve health we must be good physiologists: to restore it when disordered we must know also pathology and therapeutics. Medicine then in its widest sense is a triad of sciences, and only when the two first parts are well advanced can the third, therapeutics, be raised to a scientific form, since it depends on a knowledge of the action of remedies, both in the natural and morbid states.

The Dogmatists, therefore, when they asserted in opposition to the Empirics, that the study of the functions of the body in health and the changes produced by disease, as well as the action of remedies, were essential preliminaries to the practice of medicine, assumed a position which modern science upholds. This method of theirs was so far in advance of their knowledge of the subjects which they indicated as essential, that they unfortunately endeavoured to fill up the gaps by the aid of their imagination. Their opponents, in the strength of their contempt for all hypothetical explanations, therefore easily carried the day. Accordingly we find the first physicians of celebrity at Rome, belonging to the school of the Empirics. Rome curiously enough for six hundred years allowed no physicians to settle within her walls, but confined the treatment of disease strictly to the

priesthood. The worship of Æsculapius had been transferred to Italy about the time Hippocrates was born, but not without difficulty. The deputation sent to Greece to transfer the person and worship of the god, found the deity unwilling to be carried off, and he was captured only by stratagem, and brought in the form of a serpent to Italy.

About a century before the commencement of the Christian era, several physicians had settled at Rome, and doctrines other than those of the Empirics began to find acceptance. The disputes between the rival schools became as fierce as at Alexandria, and new systems of medicine were constructed with an equally fatal celerity. The result was the degradation of medicine, which became a tissue of the most frivolous subtleties.

The merit of the physician was no longer estimated by his knowledge of disease, but rather by the number and complexity of his recipes. But when the battle of the schools was at its highest, and medicine was at its lowest level, the illustrious Galen came upon the scene (165 A.D.). Professing to be the restorer of the medicine of Hippocrates, he soon became the despot of medical thought, and reigned for twelve centuries with an authority so great that men, rather than question his opinions, preferred to doubt the correctness of their own observations. He gave the teachings of Hippocrates a brilliant and systematic character, but in so doing he sullied their purity by the free introduction of hypothetical matter. He re-

stored medicine to the path of progress, and gave a true impulse to the workers of his time; but a long halt followed, for the night of the dark ages was at hand in which no man could work.

"Ibant obscuri solâ sub nocte per umbram."

About this time the philosophy of the east began to influence Roman thought, and the Jews who were the chief exponents of it gradually introduced their belief that all serious diseases were direct punishments from God, and that to attempt to cure them was to interfere with the course of divine justice. The miracles which the Founder of Christianity had performed in Judea, and that power over disease which He had transmitted to His Apostles, gave support to the doctrines of Jewish philosophy. The influence of the church, although it was exercised against the magic rites which had been introduced from the east, nevertheless favoured the tendency to superstition. The belief in the power and activity of supernatural beings was a doctrine of the early fathers, and they attributed the cures of diseases made by the Pagan physicians to the assistance of these evil spirits.⁽⁸⁾

In the same way we find all epidemics attributed to the influence of demons. Origen, for example, has the following :

"Et siquid audacter dicere oporteat, si quas hisce in rebus partes habeant dæmones dicemus, illis famem, arborum vitiumque sterilitatem, immodicos calores, aëris corruptionem ad perniciem fructibus afferendam, mortemque interdum animantibus et pestem hominibus inferendam tribui oportere. Horum omnium auctores sunt dæmones."⁽⁹⁾ . . .

St. Augustine, also, speaks no less decidedly, as to the causes of the prevalence of epidemics :

"Accipiunt enim sæpe potestatem et morbos immittere, et ipsum aërem vitiando morbidum reddere." ⁽¹⁰⁾

The church, however, by its teachings, did even more: it bade men no longer think of their bodies, but devote all their attention to spiritual concerns. The body and its ailments were to be despised. Diseases were no longer to be subjects of study, but were to be regarded as divine inflictions, sent to wean man from giving too much thought to his perishable frame. Some maladies were even esteemed to be proofs of sanctity; and the most loathsome one of all, leprosy, which was very prevalent among the early Christians, was referred by a father,⁽¹¹⁾ writing at a later date, to the permission accorded to the demon of disease to punish God's people for their sins. What a melancholy relapse was this from the scientific simplicity of the teaching of the older physicians of the Hippocratic school !

Running a parallel course with this relapse in scientific thought was the decline of the Roman Empire. The military despotism which raised itself on the ruins of liberty, was utterly unfavourable to that freedom of thought and speculation which is necessary to progress. The good will of an autocrat was to be gained by means less arduous than the acquirement of knowledge, and thus learning ceased to have its due reward, and fell in public esteem. Superstition revelled in the darkness; the relics of the

church, the bones of saints, and the blood of martyrs, became the most approved remedies for disease; and medicine, once again in the hands of a priesthood, was reduced to a confused mixture of jugglery and empiricism.

The time was out of joint; and from the position of a science of observation, medicine fell back to the purely empirical condition from which it had been raised by the genius of Hippocrates. Thus it remained for centuries, till, in the middle ages, the scholastic spirit in giving it a fresh impulse unfortunately diverted it still more from the fruitful method of induction, and concentrated all the awakened energy of the age on barren discussions based on verbal subtleties and refined quibbles. The actual study of disease was no longer cultivated, but all the intellect of the votaries of medicine was given to mystic dreams of *elixir vitæ*, and a vain industry in the multiplication of remedies. In the hands of the Arabs medicine had fared a little better. The study of the Greek masters and of Galen had been kept alive; some new diseases, such as smallpox and measles, were described for the first time, but in other respects no advance of note was made.

It was only in the fifteenth century, when the study of Greek was generally revived, and the invention of printing gave Europe new life, that the real return to the better path began. An Englishman, Thomas Linacre, took a noble share in this restoration of the medicine of Hippocrates by his translations from the

Greek. He established professorships at Oxford and Cambridge, for the special purpose of having the works of Hippocrates explained; and in London he founded the College of Physicians. This college received power to grant licences to practise medicine, a power which had previously been confined to the bishops. Can any fact tell more eloquently of the low position to which medicine had declined?

Alchemy and astrology, and magic of all kinds were however not at first much shaken by the revival of learning. The alchemists still cherished the hope that the *elixir vitæ* might be discovered, and by their studies kept the spirit of inquiry alive and directed it into ways sometimes useful though generally fantastic. They were really the founders of experimental science, the precursors of the modern chemist, and the first to apply to the explanation of life chemico-physical laws. The problem of medicine, however, baffled their powers of analysis; and so the energy which in another period of history would have been applied to the bedside study of morbid conditions was by these men, in their impatient desire to know all things, devoted to the multiplication of remedies by the discovery of new metals. The general intellectual condition of the time was very low, the credulity of the people was unlimited, and a catalogue of their grotesque beliefs would make a chapter at once most interesting and most sad. The superstition which had spread all over Europe under the fostering care of the dominant church, could not last for ever.

The revival of letters and the pursuit of knowledge were begining to sap the foundations of authority. Even the empty dreams of the alchemist were doing good work, in sustaining a spirit of inquiry independently of the priesthood. The fetters which bound men hand and foot as the servile tools of authority, were weakened by all these means as by a slow consuming rust, till at the magic touch of Luther they fell off.

Ten years after the great charter of religious freedom was won, Paracelsus, in imitation of Luther, publicly burned the writings of Galen and Avicenna at Basle. By this act he struck a decisive blow at that slavish reverence for the opinions of the ancients which had been the bane of progress. The writings of Galen had been regarded with almost the same pious regard as the utterances of the church; for centuries he had been the pope of medicine. Armed with his own elixir, Paracelsus cared not for the writings of his predecessors, in his own hand he carried the secret of life, and this pope he regarded as an object to be trampled on. Shameless in his boasting, impure in his life, ignorant of nearly all literature, Philip Bombastes Paracelsus was nevertheless one of the most remarkable characters of the age. As Hippocrates was the physician of Greece, so, he announced, was he the physician of Germany, powerful over all diseases, and carrying in his beard alone more knowledge than had all the universities. Dying in spite of his elixir at the age of forty-eight,

he lived long enough to revolutionize medicine and establish a school, which sought in chemical laws an explanation of all the phenomena of health and disease.

In making his efforts in this direction, he showed that he clearly comprehended the great need of his times. Medicine had become a field for the wildest speculation; no hypothesis was too absurd to find acceptance. The mystery of life was so fascinating a problem, and men were so eager to solve it, that any one who promised to point out the way was followed with a confidence as unwavering as it was blind. In this respect Paracelsus sinned almost as badly as his fellows. Having indicated the means of checking this insane belief in theories, by fixing the attention on the study of chemical phenomena, and by teaching the great doctrine that vital actions might be reduced to the level of physical laws, he well-nigh undid the usefulness of his reform by the visionary notions he advanced. For instance, among his physiological dogmas we find that of the existence of the Archæus. This Archæus was a little demon who from his throne in the upper part of the stomach superintended the digestive process, sorting out the poisonous matters from the food, and giving the aliment those virtues which are essential for assimilation. The Archæus was the friend to whom the physician should look for help in the treatment of disordered health, and all drugs should be directed against the stomach so as to influence its ruler. In the same quaint spirit

of mysticism Paracelsus attributed disease to several causes: the first of these was the "Ens astrorum," which acted by modifying the atmosphere, and poisoning it with arsenical, mercurial, and saline properties; the second was the "Ens veneni," which resided in the food, and caused putrefaction of the humours when the Archæus was caught napping, or was disinclined from any cause to do his work. The others were the "Ens naturale," the "Ens spirituale," and the "Ens deale;" the last embracing all the effects of divine predestination.⁽¹²⁾ All of these entities acted with similar precision, and were equally potent for evil. All morbid states were held to be the result of chemical action, the effervescence of salts, the combustion of sulphur, or the coagulation of mercury. The last when sublimed caused mania, when precipitated gout; and in such fashion, the causation of all diseases was defined with an exactness that the modern physician in the uncertainty of his knowledge must often envy.

Paracelsus made some important discoveries: he added many metallic remedies to the *materia medica*; and he vigorously condemned the absurd habit of combining fifty or sixty remedies in every formula, insisting on the equal efficacy (or possibly inefficacy) of simpler prescriptions containing only six or seven. Charlatan as he was, "*le plus fou des médecins, et le plus médecin des fous*,"⁽¹³⁾ Philip Bombastes Paracelsus was nevertheless powerful for good: he gave the study of chemistry a great im-

petus, by declaring that it was necessary to the treatment of disease, and he first awakened men thoroughly to the possibility of finding some explanation of life other than in the invention of metaphysical speculations. It is a noteworthy fact that the scholarly and sceptical Erasmus was a believer in Paracelsus, and consulted him about his health; the correspondence which passed between them has been preserved.

The fabrication and the grave acceptance of such views as those which formed the half-drunken utterances of Paracelsus in his chair at Basle, seem very unaccountable, till the abject superstition of the time is called to mind. As evidence of the credulity which prevailed even later, there is no more amusing instance than the story of the golden tooth, in which nearly all Germany believed. So late as 1595, fifty-four years after the death of Paracelsus, a physician by name Jacques Horst, published a book on the growth of a golden tooth in the jaw of a boy of ten. He never doubted the fact, but naively proceeded to explain it by a reference to the constellations under which the boy was born. On the day of the child's birth, December 22nd, 1586, the sun, said Horst, was in conjunction with Saturn in the sign of the Ram; this supernatural circumstance produced a great increase of heat, and so vastly augmented the nutritive forces, that in place of bone, gold was secreted! The author also inferred that this tooth foretold an age of gold, to begin with the expulsion of the Turks and the coming of the millennium; but as the tooth grew from the

lower jaw, he expressed his fears that the golden age would be preceded by many trials.

Horst's book attracted great attention, and a Scotchman, one Liddel, boldly repudiated the miracle and the explanations, and attacked Horst for his ignorance of astronomy in supposing that the sun could be in conjunction with Saturn in the month of December. Other authors were however much less sceptical, and accepted the fact of the miracle, though they ventured to question the explanations of its cause.⁽¹⁴⁾ The possibility of such a story being gravely narrated, gravely discussed by many, and vigorously controverted by only one physician of the time, is a striking commentary on the intellectual degradation which prevailed.

Even in the writings of the father of modern science, side by side with the exposition of that inductive method to which we owe all modern progress; there are passages which show that even the mighty intellect of Bacon had been unable to utterly free itself from the vain speculations of the age. For example, the baseless hypothesis of the alchemists that all bodies are composed of sulphur, mercury, and salt, receives this high praise: "As a speculative doctrine it is the best discovery that they have made."⁽¹⁵⁾ Again, in the *Historia Vitæ et Mortis* there are some remarkable suggestions as to the mode of prolonging life.⁽¹⁶⁾ Medicines given for this purpose are said to act chiefly on the spirits, "the agents and workmen that produce all the effects in the body." Opium was

supposed to act by condensing these spirits, and thus conduce greatly to the prolongation of life. "Exclusion of the external air tends in two ways to prolong life. First, because of all things, next to the internal spirit, the external air (although it is as life to the human spirit, and contributes very much to health) preys upon the juices of the body and hastens its desiccation; whence the exclusion of the air conduces to longevity. The second effect of the exclusion of the air is much more deep and subtle; namely, that the body being closed up, and not perspiring, detains the spirit within, and turns it upon the harder parts of the body, which are thereby rendered soft and tender."

In other places in the same treatise, the virtues of potable gold, wine in which gold has been quenched, pearls in fine powder or paste, and other similar remedies are spoken of as cordials tending to prolong life. One sentence about bleeding runs thus: "I am in some doubt whether frequent bleeding tends to longevity; but I rather incline to believe it does, if it be turned into a habit, and other things are favourable thereto. For it discharges the old juices of the body and lets in the new." Pigeons cut in two, and applied to the soles of the feet, are spoken of as good remedies "in extreme and desperate diseases."

These extracts are sufficient to show how many quaint notions were held by one who more than any other writer recognized the defects of medicine, and with the insight of true genius detected the errors and difficulties which had impeded its scientific growth.

The germ of truth contained in the writings of Paracelsus was not destined to die : it was hidden, not lost, in the mass of fanciful speculations which covered it, and bursting its way through with the irresistible impulse of growth, it budded into higher development in the works of Sylvius and Van Helmont. The first did much to improve chemistry, and to render the adoption of chemical views of disease more acceptable, while Van Helmont shook to its base the throne of Galen, and rescued his contemporaries from their servile faith in personal dogmas. He introduced among other doctrines that of the fermentation of the humours as a frequent cause of disease, and adopted the hypothesis of the Archæus to explain away the difficulties which baffled his powers of analysis. The Archæus, however, was very often only synonymous with fermentation.

Van Helmont, in placing the chief Archæus in the stomach and a subordinate one in each organ, was in reality only figuratively describing the special functions of each organ, and indicating that it was the duty of medicine to study first of all the great central power, the cause of all vital actions, and then the individual properties of each part. This was an advance on the unmixed mysticism of his predecessors, and such as might be expected from the man who discovered and named that aëriform condition of matter which we still call gas.

Up to this time the escape of medicine from the lethal influences of scholasticism and superstition had been slow and laboured; little had been done

towards the direct improvement of the art. It was in some respects in a worse condition than Hippocrates had left it. Physicians had more remedies, but knew less how to use them. The authority of Galen certainly had been shaken, but little solid knowledge had been discovered to replace the dogmas which were abolished. The foundation of chemistry had been a great good, inasmuch as it gave men sounder notions of the properties of matter and the laws which govern it. The influence of experimental research is directly opposed to the prevalence of superstition, and every new fact in chemistry or physics obtained by its means, increased men's faith in their own powers, and gave them greater hopes of solving all the mysterious phenomena of nature. These hopes were much fostered by the discoveries made in physics by the mathematicians of the time. Headed by Borelli and Bellini, the Italian school demonstrated that the muscles act on purely mechanical principles, and maintained that all the phenomena of health and disease might be shown to obey the laws of hydrostatics and hydraulics.⁽¹⁷⁾ These iatro-mathematicians acquired considerable power, and in turn almost supplanted the chemists; both united, however, in giving the death-blow to the influence of Galen. Henceforth men were free to investigate the secrets of nature without feeling compelled to defer in all their observations to the opinion of a pope.

Another influence had also been steadily and powerfully contributing to the improvement of medical

knowledge. The study of anatomy had for some time been cultivated in Italy with a devotion and accuracy unknown since the Alexandrian school. The inaccuracies of Galen had been demonstrated by Vesalius, and the circulation of the blood through the lungs (the lesser circulation) had been discovered by Servetus, who, in the year of his immortal discovery, was burned by the savage Calvin. Many other important anatomical and physiological facts had been established, when the illustrious Harvey made the most brilliant of all modern physiological discoveries by demonstrating the circulation of the blood throughout the body. The elucidation of this great truth marks an era in the history of medicine; it was the foundation of scientific physiology, and the beginning of that experimental method of investigating the phenomena of life to which we owe all the great modern additions to our stock of knowledge. The cultivation of anatomy engrossed many of the ablest intellects of the time, and there resulted a tone of thought similar to that which the same cause had produced at Alexandria some eighteen centuries previously. The belief in hypotheses was to a great extent discountenanced, and the attention concentrated on the study of facts.

As a consequence of this influence on the art of cure, we must regard the modern apostle of the Hippocratic school, Thomas Sydenham. Like his great prototype, Sydenham was most careful to exclude the prevailing theories from affecting his study of the facts of disease: he followed the inductive

method which his countryman, Bacon, had just completed, and under the guidance of his friend, John Locke, himself a surgeon, he applied it to the investigation of disease with splendid success. The laws ruling the prevalence of epidemics were elucidated, and new and old diseases described with an accuracy and graphic colouring which have ever since remained unrivalled. The treatment of disease Sydenham found lamentably uncertain from want of any fixed principle, and from the countless remedies prescribed mainly in accordance with a capricious fashion. In place of this, he left therapeutics an art ordered by the principle of aiding nature, and observing the indications afforded by morbid processes themselves. He accepted many of the explanations of the chemists, and attributed a number of diseases to morbid fermentation in the humours, a doctrine which has not yet ceased to influence medical thought. Bacon had justly reproached the physicians of his time for their neglect to make records of the cases of their patients. During the dark ages the example of Hippocrates in this respect had been forgotten: Sydenham, however, by his bedside study again brought it into favour. Living in a time when Kenelm Digby and the virtues of his sympathetic powder could gain credence, Sydenham towered high above all such vanities: he found English medicine reduced to the lowest state of empiricism—he raised it once more to the dignity of a science of observation.

The discoveries in anatomy, the explanations of

the chemists and mathematicians, and the impulse given by Sydenham to the study of actual phenomena to the exclusion of hypotheses, were, however, powerless to stem for any long time that current of mystic and pietistic thought with which the church had flooded the whole philosophy of the age. The phenomena of life were very difficult to analyse; men were continually baffled in their attempts to grapple with the problem, and instead of patiently observing the succession and relation of vital acts, they sought to find some great principle that would comprehend them all. As timid children in the dark whistle or sing to keep down their rising fears, so these philosophers, when awed by the presence of the inscrutable, have always been too ready to utter some new name, at whose magic sound the darkness of their ignorance should lose its terrors, and facts before so terribly obscure arrange themselves in lucid order.

Thus, when Stahl, the greatest chemist of his day, after giving an impulse to chemistry which bore that science steadily on towards its higher development, endeavoured to do the same good office for medicine, he began by giving a fatal blow to the physico-chemical doctrines of his contemporaries. They had contented themselves with investigating the mechanics of the body and the chemical constitution of its fluids, and had aimed at finding no higher principle to account for life. Stahl commenced his reform (1708) by showing that all the physico-chemical forces are opposed to life, and thus, drawing a clear line of demarcation between

dead and living matter, he attributed the properties of the latter to an occult principle.⁽¹⁸⁾ Imbued with the doctrines of the Cartesian philosophy, which, in 1663, had received the approval of the pope, Stahl, a true pietest, replaced the Archæus of Van Helmont by the *anima*: the immaterial principle which acting on the material organs of the body produces all the vital functions. This *anima* was outside and above matter, superintending and regulating all the processes of life, and coming to the rescue of every part injured by any morbid cause. Disease was in fact only a reaction against injury, produced by *anima* in its effort to restore health.

This active principle of life, which corresponded with the autocrat, Nature, of the ancients, was held to be the chief curative power; and the part of the physician was, in most cases, to observe a masterly inactivity. Stahl, however, recognized the states of congestion and inflammation as playing a great part in all morbid states; and as he knew these to depend on the accumulation of blood in the vessels, he was naturally led to advocate bleeding in many cases. Expectancy in the treatment of disease, then as now, had strong supporters, but Stahl showed his opposition to such views by attacking them in a vigorous pamphlet entitled, *Ars sanandi cum expectatione; opposita arti curandi nudâ expectatione*. The propagation of the doctrines of Stahl was one of the most fatal improvements ever made in medicine. The tendency to explain all the phenomena of health and disease by metaphysical

conceptions, such as the *anima* and vital forces, received from his teachings irresistible power, and diverted men's attention from the study of the phenomena immediately before them. The physical inquiries which had, at one time, done so much, were forgotten, and even when the experimental school recovered its vigour, the observation of actual phenomena was long obscured by the prevailing mist of metaphysical doctrine.

Haller, the founder of modern physiology, made the next important step in advance (1739) by demonstrating that the so-called vital forces resided in the tissues of the body: this checked the prevailing tendency to regard all the powers of life as something superior to and apart from matter. Irritability the property of muscle, and sensibility the property of nerve, he declared to be the only vital forces. More than half a century previously, Glisson, an Oxford professor, in the course of his anatomical investigations, had noticed that all living organisms had a power of reacting physiologically against external conditions, and this he described as the essential characteristic of life, and he named it irritability. Haller's views were an extension and modification of those of Glisson; and as they were founded on a most elaborate series of experimental proofs, they attracted much attention to the value of experiment, and gave an impetus to anatomical and physiological research which has lasted down to our own times.

A brisk controversy grew out of Haller's dis-

coveries, and the school of modern vitalists was one of the products. These vitalists invented the hypothesis of a vital principle, on which depended all the phenomena of life in the animal and vegetable worlds. To the strictest of the school the vital principle was like the *anima* of Stahl, a simple immaterial principle, a first and special cause of all the manifestations of life: to others less orthodox in their opinions, it was only a pivot on which their system of physiology worked, a convenient formula for the dogmatic exposition of their doctrines, and an indication of their impatience of leaving things without explanation: to a third class this vital principle was simply the resultant of certain complex physico-chemical laws acting in organized beings. These last were called by the ugly name of materialists, which their opponents found by far the most powerful kind of argument they could adduce against men, who sought in such forces as electricity and heat, the solution of the mystery of life.

In the discussions which followed, the views of Haller were almost entirely forgotten, and undiluted vitalism reigned supreme. In England, however, they found a great supporter in Brown,⁽¹⁹⁾ who seeking to assail the system of his contemporary Cullen, which was built up on solidism in pathology, and vitalism in physiology, found in the teachings of Haller the weapons he required. The phenomena of life, Brown asserted, are to be found only where two conditions coexist; an organism and a suitable medium. Vital force is an hypothesis, and explains nothing. Life,

according to Brown, depends wholly on external influences, such as heat, air, water, &c., which act on the organism as excitants (stimuli), and excitability (the irritability of Haller) is the property by which living matter reacts against them. Health consists in the perfect balance between excitability and the excitement produced by stimulation. Disease results from excess or defect of this excitement, and in nearly all cases represents a condition of debility, either "direct" or "indirect."

The Brunonian system found many adherents: Lamareck and Tiedemann adopted and extended it, and in Italy it was received with much favour. Broussais, at a later date (1816), selecting some of its principles, constructed that system of physiological medicine which has made him famous, and which was the first formal exposition of the mutual interdependence of pathology and physiology.⁽²⁰⁾ With Brown he held that irritation, or stimulation, was, in its proper amount, necessary to life, and when excessively increased was the source of all disease; but he differed from his English predecessor in holding that local irritation and not constitutional was the essential morbid cause. In this elevation of local at the expense of general action, Broussais is in striking agreement with the greatest of modern pathologists, Virchow, who has restored, after a period of neglect, the views of Haller and Brown. Irritability is again the criterion of life and death. "Every vital action," says Virchow, "presupposes an excitation, if you like, an irritation."⁽²¹⁾ This

the most modern doctrine, which has almost beaten out of the field the previously dominant notion that the nervous system is the real centre of life, replaces the unity of the neurists, by the activity of individual parts, and gives to every tissue the irritability which constitutes life and may engender disease. The organism thus considered becomes a kind of "organic social institution," which depends for its healthy working on the good behaviour of its countless component cells.

This cellular pathology, which has the great merit of being based on the results of the most minute anatomy of the tissues, and of embracing in its explanations very many facts which before obeyed no law, may be justly described as the most fruitful generalization of modern times. On analysis, however, there is still to be found a metaphysical conception lying at its base, endangering by its presence the whole superstructure. The irritability of the cell is but another name for vital force; and when the cells are given, by virtue of this irritability, the power of attracting to themselves the nutritive fluids from which the materials of new cells are to be obtained, we really have another phase of vitalism, skilfully disguised it is true, and explanatory of a vastly greater number of facts than any preceding theory, and therefore nearer to the truth, but nevertheless resting at last on as artificial an abstraction as any.

The comparatively late period at which physiology began to escape from its metaphysical stage, accounts

for the continued existence of abstract notions in pathology, a science which is really only an extension of the laws of life to the more complex phenomena of disease. Both subjects have ever presented such difficulties to the observer, that, repeatedly foiled in his attempts to fathom the origin and purposes of life, he has accepted metaphysical explanations as the only ones forthcoming. Thus in the pathology of to-day it is scarcely realized, that to make any obscure fact depend on vital force, or irritability, is simply to refer it to something still more obscure. Science knows no such method, but ever seeks to explain the more complex by the more simple; and regarding life as the most complex of all conditions, holds that it can never serve as an explanation of any fact.

The recognition of this canon by the physiologist has of late so guided his march that every recent victory has rescued some slip of territory from the arbitrary domination of vital force and has reduced it to the orderly government of mechanical and chemical laws. Pathology, although wishing to advance by the same route is, however, as yet unable to walk alone without the metaphysical crutches which the elder sister has cast aside. And therapeutics, dependent on both, has, like a mirror, reflected the many changing expressions of the other branches of medicine, at one time complacently yielding to the unchecked luxuriance of vitalistic hypotheses, and at others grimly accepting the darkness of empiricism, or

despairingly embracing a feeble expectancy. Dealing with the most difficult problems of all, it still lags far behind, awaiting of necessity the succour which a higher knowledge of the laws of health and disease alone can bring.

"Certainly the greatest gap in the science of medicine is to be found in its final and supreme stage—the stage of therapeutics. . . . To me it has been a lifelong wonder how vaguely, how ignorantly, how rashly, drugs are often prescribed. We try this; and not succeeding, we try that; and baffled again, we try something else, and it is fortunate if we do no harm in these our tryings. Now, this random and haphazard practice, wherever and by whomsoever adopted, is both dangerous in itself and discreditable to medicine as a science. Our profession is continually fluctuating on a sea of doubts about questions of the gravest importance."⁽²³⁾

If words have any meaning, surely these, uttered only two years ago by a great living authority, in an address on the present state of practical medicine, offer the strongest justification of Bernard's statement, that scientific medicine does not exist.⁽²³⁾ At all events, the supreme stage of therapeutics sadly lacks that certainty which science gives. This admission does not, however, condemn medicine, it only confesses an unavoidable state of imperfection. When the great French physiologist denied the existence of scientific medicine, he spoke a criticism, not a censure. No one has seen more clearly and indicated more forcibly than he the great defects in the scientific aspect of the study of health and disease; and no one has so well shown that the cultivation of experimental physiology is the necessary preliminary of the evolution of medicine.

The development of medicine as a science is slow, because the knowledge on which it must be raised is slow to come. The base of a pyramid must be constructed first, and stone by stone the building raised till the crowning glory of its apex is completed. But while some are busy in giving form to the first parts of the edifice, other workmen are well employed in making ready the stones which shall find a place nearer to the apex, or compose the apex itself. So it is with medicine: physiology must form the base, pathology the middle, and therapeutics the apex. But while the foundations are being well laid, materials may be prepared for the construction of the later parts, if the hands of the workers have only enough of skill and method to fit them for the work.

In the past, medicine in the effort to attain a higher form, has had to depend on methods incompetent to grapple with the complex phenomena of life in all its phases. The method of observation, which in the hands of its great masters—Hippocrates, Aristotle, and Sydenham—produced such noble firstfruits, has nevertheless failed in its later yield. A science of observation with a knowledge of many of the laws of health and disease, and a prevision of the courses of maladies, satisfied not; and from the ill-ordered efforts to create a more powerful medicine have resulted a host of useless speculations. Scepticism and credulity have in turn prevailed, and the scientific aspect of medicine has from time to time been lost in the rank growth of hypothesis, or the trackless jungle of empiricism.

The time for all these evils to end has now come, and men are beginning to learn that observation which was alone sufficient to conduct to a correct knowledge of the simpler sciences, such as astronomy and geology, is insufficient to lead to the solution of the more difficult. Physics and chemistry, dealing with more complex problems, never escaped from empiricism till a second method of investigation—experiment—was introduced. This, by enabling the inquirer to produce the phenomena which he desires to study, to isolate and combine them, and to change their conditions at will, has given to these sciences a perfection which was never to be attained by the application of observation alone. In the phenomena of life there is still greater complexity to unravel, and *a fortiori*, observation is still less adequate, and must be aided by the method of the chemist, experiment, and supplemented by a third specially adapted to the work.

Observation, the sole method of the ancients, was in medicine, as in other subjects, the beginning of all intelligent action; and assisted as it now is by the many appliances of modern invention, which marvellously augment the power and precision of our senses, it is still a most fertile method, accuracy and skill in which are fundamental requisites.

It is, however, to the application of experiment to physiological investigation that we owe the great results of Harvey, Haller, and others. The greatest victories have been won, not by a passive obser-

vation of the phenomena of life, but by the active interference of the experimenter, who has laid bare the hidden organs of the body and studied their functions while in action. In the same way, by extending the inquiry into the laws of life varied by the presence of disease, experiment offers the best means of analysing morbid processes, of imitating and producing them at will, in order to understand the mutual relations of their symptoms. Some of the most important and startling discoveries in pathology have been arrived at by this method; to it we owe that knowledge of tubercular diseases, epilepsy, and many others, which enables us to produce their phenomena in animals in order to study the mechanism of the disorder, and discover the means of arresting or preventing it. The chief obstacle to progress in these inquiries now, is the undeveloped state of organic chemistry. When the chemist can detect those delicate chemical variations in the fluids of the body which serve as the origin of many diseases of nutrition, experimental pathology, rejoicing in this new light, will clearly detect the principal element of many diseases, which, like the bower of a labyrinth, has been, but for a single obstacle, so often gained.

Comparison, the third method of investigation, is, as Comte has pointed out, especially adapted to biological study. By the use of it particular organs and functions may be examined throughout the whole organic series, from their most rudimentary state to their most elaborate development. The experiments

which nature is everywhere making on so grand a scale may be interpreted by means of comparison, with almost the same precision as experiments in a laboratory, and in proportion to their universality they will yield a deeper insight into the necessary conditions and origin of life. To quote the words of Comte, "There is clearly no structure or function whose analysis may not be perfected by an examination of what all organisms offer in common with regard to that structure and function, and by the simplification effected by the stripping away of all accessory characteristics, till the quality sought is found alone, from whence the process of reconstruction can begin. It may even be fairly said, that no anatomical arrangement, and no physiological phenomenon, can be really understood till the abstract notion of its principal element is thus reached, by successively attaching to it all secondary ideas, in the rational order prescribed by their greater or less persistence in the organic series."⁽²⁴⁾

The signal truths which this method has produced in the hands of Cuvier and Owen, in one direction, and in the hands of Bichat, Lamarck, and Darwin, in others, read more like the creations of a poet's fancy than the sober results of scientific research. It was the application of comparison to pathology, which the far-seeing genius of Hunter anticipated, when he conceived the grand thought of including in pathology, not the diseases of man alone, but all the abnormities to be found in the organic and inorganic worlds. This grand conception of a science

of the abnormal, this prevision of the regularity of irregularities, and of the reduction to fixed laws of phenomena apparently infinitely variable, stamp John Hunter as the most philosophical pathologist of any age; and when realized in that comparative pathology which is yet to be created, will form the safest and widest basis of medicine as a science.

By these three methods, Observation, Experiment, and Comparison, all the phenomena of health and disease must be investigated before any theories can be formed capable of giving scientific certainty to the practice of the physician. The external forms of maladies, and the laws which regulate their courses, are comparatively well known; what is now wanted is a knowledge of the causes which produce disordered health. When once the cause or initial phenomenon of the morbid series is identified, the mechanism of disease will be mastered, and its rational treatment will follow. To gain this knowledge the energies of medicine must be devoted to pathological experiment and comparison, and no longer dissipated in a vain search after specifics.

Now and again, in the progress of medicine, a remedy for a disease has been discovered by the haphazard administration of a drug; but judging from the past, countless ages would pass away before each disease would find its remedy by such a method; and the discovery when made would still leave knowledge in a purely empirical state, holding no clue to the mode of action of the remedy or to the actual cause of the

malady. The active principle of Jesuit's bark has cured ague ever since 1639, but the manner in which the cure is effected is still unknown, because the mechanism of the disease still baffles our attempts at analysis. So it must remain, in all cases, till the application of experiment, by artificially producing the morbid phenomena under more simple conditions, and analysing their succession and relation, isolates the initial phenomenon of the series, and gives medicine a definite object to attack. In the laboratory of the physiologist some diseases can be developed with almost the same certainty as a chemical decomposition is effected; and as the experimenter gains power the number of morbid states thus producible, will increase, and our intimate acquaintance with their causes will lead to a proportionate improvement in treatment. In many parasitic diseases this knowledge has already been gained, and the cure is consequently speedy and certain. The destruction of the parasite (the initial phenomenon) controls all the secondary manifestations, which in the past were regarded as the essential characters of the disease.

In the same way all morbid principles must be isolated before a rigorously scientific mode of cure can be devised. At present so little is known of the nature of disease-producing agents, that next to nothing can be attempted in the way of directly neutralizing their effects or preventing their action. The practical duties of medicine, however, brook no delay; diseases must be treated and epidemics checked; and until the

higher reign of scientific law comes, the slowly garnered wisdom of experience and the approximative truths of empirical laws must suffice. The medicine of to-day, unable to act directly on the initial phenomenon of a disease, devotes all its powers to limiting the variations from the healthy standard which the morbid cause excites. Rude attempts to strangle disease no longer find acceptance, and modern treatment, if not less empirical in its character, is infinitely less rash in its measures and less dangerous in its fashions.

In the other branch of medicine, the preservation of health, there is the same necessary dependence on a more or less conjectural basis, for the higher certainty can only come with a more extended knowledge of the physiology of the healthy and morbid states. But meanwhile, improvements in drainage, and purity of water supply, are all raising great obstacles to the supremacy of disease, and are supplying sanitary data from which useful generalizations will come.

That our theories in medicine with regard to the prevention of disease and its treatment are ever changing is no reproach, they must change as knowledge grows. "A theory," said a great French chemist, "established on twenty facts should serve to explain thirty, and lead to the discovery of ten more; but it will nearly always be modified or overthrown before ten new facts are added to these last."⁽²⁵⁾ Till the laws which govern vital phenomena under all conditions are better known, the treatment and prevention of

disease must rest on a rational empiricism. Before a drug can be scientifically applied to the relief of sickness, the modifications which it produces on healthy functions must be known; and the difficulty of obtaining trustworthy data in so complex an inquiry is evident. The discovery of the *modus operandi* of a remedy in disease is, however, a task incomparably more difficult, since it is an attempt to learn the influence exercised by the remedy, not on healthy functions, of which we know little, but on a variation of healthy functions, of which we know less. It is an endeavour to find the value of an unknown quantity by means of two others whose values are very imperfectly known. Surely when the progress of physiology is so slow, the backward state of therapeutics, though it may warrant regret, does not justify reproach.

The courage of patience is the courage which, above all, is now wanted in medicine: to wait and work till, in the fulness of time, the simpler branches of the triad of medicine are made ready for the evolution of its crowning science. In the past, this courage has too often given way under a noble impatience of imperfection, and the work of ages has been destroyed by premature attempts at completion.

Now chastened by repeated failures we have abandoned all inquiries into final causes as a search beyond the powers of the human mind, and concentrating our attention on the laws which regulate the succession and relation of phenomena we are content to move more slowly and more surely towards that perfect wisdom,

whence comes perfect action. In this new stage of growth, medicine less and less dependent on the blind gropings of empiricism and no more subject to metaphysical systems, will learn to apply to the great problems of health and disease the invariable laws of science; then the physician, no longer condemned to contemplate in miserable inaction the progress of a disease whose course he cannot control, will defeat by exact knowledge the subtlest approaches of his foe: "*homo minister et interpres naturæ, quantum scit, tantum potest.*"

BALTHAZAR W. FOSTER.

NOTES.

- (1) Sprengel, *Histoire de la Médecine*, par Jourdan; vol. i, p. 234.
- (2) Aristotle refuted this notion. *Vide* Sprengel; vol. i, note, p. 260.
- (3) Boulet, *Dubitationes de Hippocratis vitâ, patriâ, genealogiâ, forsa mythologicis, et de quibusdam ejus libris multo antiquioribz quam vulgo creditur*. Paris, An. XII.
- (4) *The Genuine Works of Hippocrates*, translated by Adams, Sydenham Society; vol. i, p. 255-56.
- (5) Bostock, *History of Medicine in Cyclopædia of Practical Medicine* chap. iii, p. 16.
- (6) Translation of Nélaton's Letter in *Figaro*, given in *Lancet*; vol. i 1869, p. 491.
- (7) Aitken's *Science and Practice of Medicine*; 5th edit., vol. i, p. 926.
- (8) Sprengel; vol. ii, p. 151.
- (9) Origen contra Celsum; lib. 8, chap. xxxi. Vol. i, p. 765, Benedictine edition.
- (10) St. Augustine, *Opera Omnia*; vol. vi, p. 509, Benedictine editor De Divinatione Dæmonum; chap. v.
- (11) Anastas; quæst xx, p. 238 (ed. Gretser). *Vide* Sprengel; vol. i p. 157.
- (12) Sprengel; vol. iii, sec. 9, chap. ii.
- (13) Cabanis, *Les Révolutions de la Médecine*; 1804; p. 135.
- (14) Liddell, de Dente Aureo. *Hamburg*, 1628. *Vide* Sprengel; vol. ii p. 248.
- (15) Spedding's Bacon; vol. v, p. 205.
- (16) *Ib.*; vol. v, p. 217—335.
- (17) Bostock, *op. cit.*; chap. ix, p. 50.
- (18) Cabanis, *op. cit.*; chap. i, sec. 77. Sprengel; vol. v, p. 195. Claud Bernard, *Leçons sur les propriétés des Tissus Vivants*; p. 67.
- (19) *The Elements of Medicine*, by John Brown, M.D. London, 1788.
- (20) *Examen de la Doctrine Médicale*, par F. J. V. Broussais. Paris 1816.
- (21) Virchow's *Cellular Pathology*, translated by Dr. Chance; pp. 287 and 387.
- (22) Sir Thomas Watson, Address on the present state of Therapeutics delivered at first meeting of Clinical Society of London, 1868. *Vide Lancet*; vol. i, 1868, p. 76.
- (23) *Pall Mall Gazette*, vol. i, 1869, p. 1029, and vol. ii, 1869, p. 1493. *Revue des Cours Scientifiques*, 19 Mars, 1870.
- (24) *The Positive Philosophy of Auguste Comte*, translated by Harriet Martineau; vol. i, p. 377.
- (25) Dumas, *Philosophie Chimique*; p. 60.

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